

# SENATE OFFICIAL COPY

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107TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
107-\_\_\_\_\_

## INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003

\_\_\_\_\_, 2002.—ORDERED TO BE PRINTED

Mr. GRAHAM of Florida, from the committee of conference,  
submitted the following

### CONFERENCE REPORT

[To accompany H.R. 4628]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4628), to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

1   **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2       (a) **SHORT TITLE.**—This Act may be cited as the “Intel-

3   ligence Authorization Act for Fiscal Year 2003”.

4       (b) **TABLE OF CONTENTS.**—The table of contents of this

5   Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—INTELLIGENCE ACTIVITIES**

- Sec. 101. Authorization of appropriations.
- Sec. 102. Classified schedule of authorizations.
- Sec. 103. Personnel ceiling adjustments.
- Sec. 104. Intelligence Community Management Account.
- Sec. 105. Authorization of emergency supplemental appropriations for fiscal year 2002.
- Sec. 106. Additional authorizations of appropriations for intelligence for the war on terrorism.
- Sec. 107. Specific authorization of funds for intelligence or intelligence-related activities for which fiscal year 2003 appropriations exceed amounts authorized.
- Sec. 108. Incorporation of reporting requirements.
- Sec. 109. Preparation and submittal of reports, reviews, studies, and plans relating to intelligence activities of Department of Defense or Department of Energy.

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT  
AND DISABILITY SYSTEM**

- Sec. 201. Authorization of appropriations.

**TITLE III—GENERAL PROVISIONS**

**Subtitle A—Recurring General Provisions**

- Sec. 301. Increase in employee compensation and benefits authorized by law.
- Sec. 302. Restriction on conduct of intelligence activities.
- Sec. 303. Sense of Congress on intelligence community contracting.

**Subtitle B—Intelligence**

- Sec. 311. Specificity of National Foreign Intelligence Program budget amounts for counterterrorism, counterproliferation, counter-narcotics, and counterintelligence.
- Sec. 312. Prohibition on compliance with requests for information submitted by foreign governments.
- Sec. 313. National Virtual Translation Center.

**Subtitle C—Personnel**

- Sec. 321. Standards and qualifications for the performance of intelligence activities.
- Sec. 322. Modification of excepted agency voluntary leave transfer authority.
- Sec. 323. Sense of Congress on diversity in the workforce of intelligence community agencies.
- Sec. 324. Annual report on hiring and retention of minority employees in the intelligence community.
- Sec. 325. Report on establishment of a Civilian Linguist Reserve Corps.

## Subtitle D—Education

- Sec. 331. Scholarships and work-study for pursuit of graduate degrees in science and technology.
- Sec. 332. Cooperative relationship between the National Security Education Program and the Foreign Language Center of the Defense Language Institute.
- Sec. 333. Establishment of National Flagship Language Initiative within the National Security Education Program.
- Sec. 334. Report on the National Security Education Program.

## Subtitle E—Terrorism

- Sec. 341. Foreign Terrorist Asset Tracking Center.
- Sec. 342. Semiannual report on financial intelligence on terrorist assets (FITA).
- Sec. 343. Terrorist Identification Classification System.

## Subtitle F—Other Matters

- Sec. 351. Additional one-year suspension of reorganization of Diplomatic Telecommunications Service Program Office.
- Sec. 352. Standardized transliteration of names into the Roman alphabet.
- Sec. 353. Definition of congressional intelligence committees in National Security Act of 1947.

## TITLE IV—CENTRAL INTELLIGENCE AGENCY

- Sec. 401. Two-year extension of Central Intelligence Agency Voluntary Separation Pay Act.
- Sec. 402. Implementation of compensation reform plan.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE  
ACTIVITIES

- Sec. 501. Use of funds for counterdrug and counterterrorism activities for Colombia.
- Sec. 502. Protection of operational files of the National Reconnaissance Office.
- Sec. 503. Eligibility of employees in Intelligence Senior Level positions for Presidential Rank Awards.

TITLE VI—NATIONAL COMMISSION ON TERRORIST ATTACKS  
UPON THE UNITED STATES.

- Sec. 601. Establishment of Commission.
- Sec. 602. Purposes.
- Sec. 603. Composition of Commission.
- Sec. 604. Functions of Commission.
- Sec. 605. Powers of Commission.
- Sec. 606. Nonapplicability of Federal Advisory Committee Act.
- Sec. 607. Staff of Commission.
- Sec. 608. Compensation and travel expenses.
- Sec. 609. Security clearances for Commission members and staff.
- Sec. 610. Reports of Commission; termination.
- Sec. 611. Funding.

## TITLE VII—INFORMATION SHARING

- Sec. 701. Short title.
- Sec. 702. Findings and sense of Congress.
- Sec. 703. Facilitating homeland security information sharing procedures.
- Sec. 704. Report.
- Sec. 705. Authorization of appropriations.
- Sec. 706. Coordination provision.

## TITLE VIII—REPORTING REQUIREMENTS

## Subtitle A—Overdue Reports

Sec. 801. Deadline for submittal of various overdue reports.

## Subtitle B—Submittal of Reports to Intelligence Committees

Sec. 811. Dates for submittal of various annual and semiannual reports to the congressional intelligence committees.

## Subtitle C—Recurring Annual Reports

Sec. 821. Annual report on threat of attack on the United States using weapons of mass destruction.

Sec. 822. Annual report on covert leases.

Sec. 823. Annual report on improvement of financial statements of certain elements of the intelligence community for auditing purposes.

Sec. 824. Annual report on activities of Federal Bureau of Investigation personnel outside the United States.

Sec. 825. Annual reports of inspectors general of the intelligence community on proposed resources and activities of their offices.

Sec. 826. Annual report on counterdrug intelligence matters.

Sec. 827. Annual report on foreign companies involved in the proliferation of weapons of mass destruction that raise funds in the United States capital markets.

## Subtitle D—Other Reports

Sec. 831. Report on effect of country-release restrictions on allied intelligence-sharing relationships.

Sec. 832. Evaluation of policies and procedures of Department of State on protection of classified information at department headquarters.

## Subtitle E—Repeal of Certain Report Requirements

Sec. 841. Repeal of certain report requirements.

## TITLE IX—COUNTERINTELLIGENCE ACTIVITIES

Sec. 901. Short title; purpose.

Sec. 902. National Counterintelligence Executive.

Sec. 903. National Counterintelligence Policy Board.

Sec. 904. Office of the National Counterintelligence Executive.

## TITLE X—NATIONAL COMMISSION FOR REVIEW OF RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY

Sec. 1001. Findings.

Sec. 1002. National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

Sec. 1003. Powers of Commission.

Sec. 1004. Staff of Commission.

Sec. 1005. Compensation and travel expenses.

Sec. 1006. Treatment of information relating to national security.

Sec. 1007. Final report; termination.

Sec. 1008. Assessments of final report.

Sec. 1009. Inapplicability of certain administrative provisions.

Sec. 1010. Funding.

Sec. 1011. Definitions.

## **TITLE I—INTELLIGENCE ACTIVITIES**

### **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2003 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The National Reconnaissance Office.

(11) The National Imagery and Mapping Agency.

(12) The Coast Guard.

### **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2003, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on H.R. 4628 of the One Hundred Seventh Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

1   **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

2           (a) **AUTHORITY FOR ADJUSTMENTS.**—With the approval  
3 of the Director of the Office of Management and Budget, the  
4 Director of Central Intelligence may authorize employment of  
5 civilian personnel in excess of the number authorized for fiscal  
6 year 2003 under section 102 when the Director of Central In-  
7 telligence determines that such action is necessary to the per-  
8 formance of important intelligence functions, except that the  
9 number of personnel employed in excess of the number author-  
10 ized under such section may not, for any element of the intel-  
11 ligence community, exceed 2 percent of the number of civilian  
12 personnel authorized under such section for such element.

13           (b) **NOTICE TO INTELLIGENCE COMMITTEES.**—The Direc-  
14 tor of Central Intelligence shall notify promptly the Permanent  
15 Select Committee on Intelligence of the House of Representa-  
16 tives and the Select Committee on Intelligence of the Senate  
17 whenever the Director exercises the authority granted by this  
18 section.

19   **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT**  
20       **ACCOUNT.**

21           (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is au-  
22 thorized to be appropriated for the Intelligence Community  
23 Management Account of the Director of Central Intelligence for  
24 fiscal year 2003 the sum of \$158,254,000. Within such  
25 amount, funds identified in the classified Schedule of Author-  
26 izations referred to in section 102(a) for advanced research and  
27 development shall remain available until September 30, 2004.

28           (b) **AUTHORIZED PERSONNEL LEVELS.**—The elements  
29 within the Intelligence Community Management Account of the  
30 Director of Central Intelligence are authorized 322 full-time  
31 personnel as of September 30, 2003. Personnel serving in such  
32 elements may be permanent employees of the Intelligence Com-  
33 munity Management Account or personnel detailed from other  
34 elements of the United States Government.

35           (c) **CLASSIFIED AUTHORIZATIONS.**—

36           (1) **AUTHORIZATION OF APPROPRIATIONS.**—In addi-  
37 tion to amounts authorized to be appropriated for the Intel-

1       ligence Community Management Account by subsection (a),  
2       there are also authorized to be appropriated for the Intel-  
3       ligence Community Management Account for fiscal year  
4       2003 such additional amounts as are specified in the classi-  
5       fied Schedule of Authorizations referred to in section  
6       102(a). Such additional amounts for research and develop-  
7       ment shall remain available until September 30, 2004.

8       (2) AUTHORIZATION OF PERSONNEL.—In addition to  
9       the personnel authorized by subsection (b) for elements of  
10      the Intelligence Community Management Account as of  
11      September 30, 2003, there are hereby authorized such ad-  
12      ditional personnel for such elements as of that date as are  
13      specified in the classified Schedule of Authorizations.

14      (d) REIMBURSEMENT.—Except as provided in section 113  
15      of the National Security Act of 1947 (50 U.S.C. 404h), during  
16      fiscal year 2003 any officer or employee of the United States  
17      or a member of the Armed Forces who is detailed to the staff  
18      of the Intelligence Community Management Account from an-  
19      other element of the United States Government shall be de-  
20      tailed on a reimbursable basis, except that any such officer,  
21      employee, or member may be detailed on a nonreimbursable  
22      basis for a period of less than one year for the performance of  
23      temporary functions as required by the Director of Central In-  
24      telligence.

25      (e) NATIONAL DRUG INTELLIGENCE CENTER.—

26      (1) IN GENERAL.—Of the amount authorized to be ap-  
27      propriated in subsection (a), \$34,100,000 shall be available  
28      for the National Drug Intelligence Center. Within such  
29      amount, funds provided for research, development, testing,  
30      and evaluation purposes shall remain available until Sep-  
31      tember 30, 2004, and funds provided for procurement pur-  
32      poses shall remain available until September 30, 2005.

33      (2) TRANSFER OF FUNDS.—The Director of Central  
34      Intelligence shall transfer to the Attorney General funds  
35      available for the National Drug Intelligence Center under  
36      paragraph (1). The Attorney General shall utilize funds so

1 transferred for the activities of the National Drug Intel-  
2 ligence Center.

3 (3) LIMITATION.—Amounts available for the National  
4 Drug Intelligence Center may not be used in contravention  
5 of the provisions of section 103(d)(1) of the National Secu-  
6 rity Act of 1947 (50 U.S.C. 403–3(d)(1)).

7 (4) AUTHORITY.—Notwithstanding any other provision  
8 of law, the Attorney General shall retain full authority over  
9 the operations of the National Drug Intelligence Center.

10 **SEC. 105. AUTHORIZATION OF EMERGENCY SUPPLE-**  
11 **MENTAL APPROPRIATIONS FOR FISCAL**  
12 **YEAR 2002.**

13 (a) AUTHORIZATION.—Amounts authorized to be appro-  
14 priated for fiscal year 2002 under section 101 of the Intel-  
15 ligence Authorization Act for Fiscal Year 2002 (Public Law  
16 107–108) for the conduct of the intelligence activities of ele-  
17 ments of the United States Government listed in such section  
18 are hereby increased, with respect to any such authorized  
19 amount, by the amount by which appropriations pursuant to  
20 such authorization were increased by the following:

21 (1) The Emergency Supplemental Act, 2002 (con-  
22 tained in division B of Public Law 107–117), including sec-  
23 tion 304 of such Act (115 Stat. 2300).

24 (2) The 2002 Supplemental Appropriations Act for  
25 Further Recovery From and Response To Terrorist At-  
26 tacks on the United States (Public Law 107–206), for such  
27 amounts as are designated by Congress as an emergency  
28 requirement pursuant to section 251(b)(2)(A) of the Bal-  
29 anced Budget and Emergency Deficit Control Act of 1985  
30 (2 U.S.C. 901(b)(2)(A)).

31 (b) RATIFICATION.—For purposes of section 504 of the  
32 National Security Act of 1947 (50 U.S.C. 414), any obligation  
33 or expenditure of those amounts deemed to have been specifi-  
34 cally authorized by the Acts referred to in subsection (a) is  
35 hereby ratified and confirmed.



1   **SEC. 106. ADDITIONAL AUTHORIZATIONS OF APPRO-**  
2                   **PRIATIONS FOR INTELLIGENCE FOR THE**  
3                   **WAR ON TERRORISM.**

4           (a) IN GENERAL.—Subject to subsection (b), the amounts  
5 requested in the letter dated July 3, 2002, of the President to  
6 the Speaker of the House of Representatives, related to the De-  
7 fense Emergency Response Fund and that are designated for  
8 the incremental costs of intelligence and intelligence-related ac-  
9 tivities for the war on terrorism are authorized.

10          (b) LIMITATIONS.—The amounts referred to in subsection  
11 (a)—

12           (1) are authorized only for activities directly related to  
13 identifying, responding to, or protecting against acts or  
14 threatened acts of terrorism;

15           (2) are not authorized to correct programmatic or fis-  
16 cal deficiencies in major acquisition programs which will  
17 not achieve initial operational capabilities within two years  
18 of the date of the enactment of this Act; and

19           (3) are not available until the end of the 10-day period  
20 that begins on the date written notice is provided to the Se-  
21 lect Committee on Intelligence and the Committee on Ap-  
22 propriations of the Senate and the Permanent Select Com-  
23 mittee on Intelligence and the Committee on Appropria-  
24 tions of the House of Representatives.

25   **SEC. 107. SPECIFIC AUTHORIZATION OF FUNDS FOR IN-**  
26                   **TELLIGENCE OR INTELLIGENCE-RELATED**  
27                   **ACTIVITIES FOR WHICH FISCAL YEAR 2003**  
28                   **APPROPRIATIONS EXCEED AMOUNTS AU-**  
29                   **THORIZED.**

30          Funds appropriated for an intelligence or intelligence-re-  
31 lated activity for fiscal year 2003 in excess of the amount spec-  
32 ified for such activity in the classified Schedule of Authoriza-  
33 tions prepared to accompany this Act shall be deemed to be  
34 specifically authorized by Congress for purposes of section  
35 504(a)(3) of the National Security Act of 1947 (50 U.S.C.  
36 414(a)(3)).

1   **SEC. 108. INCORPORATION OF REPORTING REQUIRE-**  
2       **MENTS.**

3       (a) IN GENERAL.—Each requirement to submit a report  
4   to the congressional intelligence committees that is included in  
5   the joint explanatory statement to accompany the conference  
6   report on the bill H.R. 4628 of the One Hundred Seventh Con-  
7   gress, or in the classified annex to this Act, is hereby incor-  
8   porated into this Act, and is hereby made a requirement in law.

9       (b) CONGRESSIONAL INTELLIGENCE COMMITTEES DE-  
10   FINED.—In this section, the term “congressional intelligence  
11   committees” means—

12       (1) the Select Committee on Intelligence of the Senate;  
13       and

14       (2) the Permanent Select Committee on Intelligence of  
15       the House of Representatives.

16   **SEC. 109. PREPARATION AND SUBMITTAL OF REPORTS,**  
17       **REVIEWS, STUDIES, AND PLANS RELATING**  
18       **TO INTELLIGENCE ACTIVITIES OF DEPART-**  
19       **MENT OF DEFENSE OR DEPARTMENT OF EN-**  
20       **ERGY.**

21       (a) CONSULTATION IN PREPARATION.—(1) The Director  
22   of Central Intelligence shall ensure that any report, review,  
23   study, or plan required to be prepared or conducted by a provi-  
24   sion of this Act, including a provision of the classified Schedule  
25   of Authorizations referred to in section 102(a) or the classified  
26   annex to this Act, that involves the intelligence or intelligence-  
27   related activities of the Department of Defense or the Depart-  
28   ment of Energy is prepared or conducted in consultation with  
29   the Secretary of Defense or the Secretary of Energy, as appro-  
30   priate.

31       (2) The Secretary of Defense or the Secretary of Energy  
32   may carry out any consultation required by this subsection  
33   through an official of the Department of Defense or the De-  
34   partment of Energy, as the case may be, designated by such  
35   Secretary for that purpose.

36       (b) SUBMITTAL.—Any report, review, study, or plan re-  
37   ferred to in subsection (a) shall be submitted, in addition to

1 any other committee of Congress specified for submittal in the  
2 provision concerned, to the following committees of Congress:

3 (1) The Committees on Armed Services and Appro-  
4 priations and the Select Committee on Intelligence of the  
5 Senate.

6 (2) The Committees on Armed Services and Appro-  
7 priations and the Permanent Select Committee on Intel-  
8 ligence of the House of Representatives.

9 **TITLE II—CENTRAL INTEL-**  
10 **LIGENCE AGENCY RETIREMENT**  
11 **AND DISABILITY SYSTEM**

12 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

13 There is authorized to be appropriated for the Central In-  
14 telligence Agency Retirement and Disability Fund for fiscal  
15 year 2003 the sum of \$222,500,000.

16 **TITLE III—GENERAL PROVISIONS**  
17 **Subtitle A—Recurring General**  
18 **Provisions**

19 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**  
20 **BENEFITS AUTHORIZED BY LAW.**

21 Appropriations authorized by this Act for salary, pay, re-  
22 tirement, and other benefits for Federal employees may be in-  
23 creased by such additional or supplemental amounts as may be  
24 necessary for increases in such compensation or benefits au-  
25 thorized by law.

26 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**  
27 **ACTIVITIES.**

28 The authorization of appropriations by this Act shall not  
29 be deemed to constitute authority for the conduct of any intel-  
30 ligence activity which is not otherwise authorized by the Con-  
31 stitution or the laws of the United States.

32 **SEC. 303. SENSE OF CONGRESS ON INTELLIGENCE COM-**  
33 **MUNITY CONTRACTING.**

34 It is the sense of Congress that the Director of Central  
35 Intelligence should continue to direct that elements of the intel-  
36 ligence community, whenever compatible with the national secu-  
37 rity interests of the United States and consistent with oper-

1 national and security concerns related to the conduct of intel-  
2 ligence activities, and where fiscally sound, should competitively  
3 award contracts in a manner that maximizes the procurement  
4 of products properly designated as having been made in the  
5 United States.

## 6 **Subtitle B—Intelligence**

### 7 **SEC. 311. SPECIFICITY OF NATIONAL FOREIGN INTEL-** 8 **LIGENCE PROGRAM BUDGET AMOUNTS FOR** 9 **COUNTERTERRORISM,** 10 **COUNTERPROLIFERATION, COUNTER-** 11 **NARCOTICS, AND COUNTERINTELLIGENCE.**

12 (a) IN GENERAL.—Title V of the National Security Act of  
13 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end  
14 the following new section:

15 “SPECIFICITY OF NATIONAL FOREIGN INTELLIGENCE PROGRAM  
16 BUDGET AMOUNTS FOR COUNTERTERRORISM,  
17 COUNTERPROLIFERATION, COUNTERNARCOTICS, AND COUN-  
18 TERINTELLIGENCE

19 “SEC. 506. (a) IN GENERAL.—The budget justification  
20 materials submitted to Congress in support of the budget of the  
21 President for a fiscal year that is submitted to Congress under  
22 section 1105(a) of title 31, United States Code, shall set forth  
23 separately the aggregate amount requested for that fiscal year  
24 for the National Foreign Intelligence Program for each of the  
25 following:

26 “(1) Counterterrorism.

27 “(2) Counterproliferation.

28 “(3) Counternarcotics.

29 “(4) Counterintelligence.

30 “(b) ELECTION OF CLASSIFIED OR UNCLASSIFIED  
31 FORM.—Amounts set forth under subsection (a) may be set  
32 forth in unclassified form or classified form, at the election of  
33 the Director of Central Intelligence.”.

34 (b) CLERICAL AMENDMENT.—The table of sections for  
35 that Act is amended by inserting after the item relating to sec-  
36 tion 505 the following new item:

"Sec. 506. Specificity of National Foreign Intelligence Program budget amounts for counterterrorism, counterproliferation, counter-narcotics, and counterintelligence."

1   **SEC. 312. PROHIBITION ON COMPLIANCE WITH RE-**  
2       **QUESTS FOR INFORMATION SUBMITTED BY**  
3       **FOREIGN GOVERNMENTS.**

4       Section 552(a)(3) of title 5, United States Code, is  
5   amended—

6       (1) in subparagraph (A) by inserting "and except as  
7       provided in subparagraph (E)," after "of this subsection,";  
8       and

9       (2) by adding at the end the following:

10       “(E) An agency, or part of an agency, that is an element  
11       of the intelligence community (as that term is defined in sec-  
12       tion 3(4) of the National Security Act of 1947 (50 U.S.C.  
13       401a(4))) shall not make any record available under this para-  
14       graph to—

15       “(i) any government entity, other than a State, terri-  
16       tory, commonwealth, or district of the United States, or  
17       any subdivision thereof; or

18       “(ii) a representative of a government entity described  
19       in clause (i).”.

20   **SEC. 313. NATIONAL VIRTUAL TRANSLATION CENTER.**

21       (a) **ESTABLISHMENT.**—The Director of Central Intel-  
22       ligence, acting as the head of the intelligence community, shall  
23       establish in the intelligence community an element with the  
24       function of connecting the elements of the intelligence commu-  
25       nity engaged in the acquisition, storage, translation, or analysis  
26       of voice or data in digital form.

27       (b) **DESIGNATION.**—The element established under sub-  
28       section (a) shall be known as the National Virtual Translation  
29       Center.

30       (c) **ADMINISTRATIVE MATTERS.**—(1) The Director shall  
31       retain direct supervision and control over the element estab-  
32       lished under subsection (a).

33       (2) The element established under subsection (a) shall  
34       connect elements of the intelligence community utilizing the

1 most current available information technology that is applicable  
2 to the function of the element.

3 (d) DEADLINE FOR ESTABLISHMENT.—The element re-  
4 quired by subsection (a) shall be established as soon as prac-  
5 ticable after the date of the enactment of this Act, but not later  
6 than 90 days after that date.

## 7 Subtitle C—Personnel

### 8 SEC. 321. STANDARDS AND QUALIFICATIONS FOR THE 9 PERFORMANCE OF INTELLIGENCE ACTIVI- 10 TIES.

11 Section 104 of the National Security Act of 1947 (50  
12 U.S.C. 403–4) is amended—

13 (1) by redesignating subsection (g) as subsection (h);

14 and

15 (2) by inserting after subsection (f) the following new  
16 subsection (g):

17 “(g) STANDARDS AND QUALIFICATIONS FOR PERFORM-  
18 ANCE OF INTELLIGENCE ACTIVITIES.—The Director, acting as  
19 the head of the intelligence community, shall, in consultation  
20 with the heads of effected agencies, develop standards and  
21 qualifications for persons engaged in the performance of intel-  
22 ligence activities within the intelligence community.”.

### 23 SEC. 322. MODIFICATION OF EXCEPTED AGENCY VOL- 24 UNTARY LEAVE TRANSFER AUTHORITY.

25 (a) IN GENERAL.—Section 6339 of title 5, United States  
26 Code, is amended—

27 (1) by striking subsection (b);

28 (2) by redesignating subsection (c) as subsection (b);

29 and

30 (3) by inserting after subsection (b) (as so redesign-  
31 ated by paragraph (2)) the following:

32 “(c)(1) Notwithstanding any provision of subsection (b),  
33 the head of an excepted agency may, at his sole discretion, by  
34 regulation establish a program under which an individual em-  
35 ployed in or under such excepted agency may participate in a  
36 leave transfer program established under the provisions of this  
37 subchapter outside of this section, including provisions permit-

1     ting the transfer of annual leave accrued or accumulated by  
2     such employee to, or permitting such employee to receive trans-  
3     ferred leave from, an employee of any other agency (including  
4     another excepted agency having a program under this sub-  
5     section).

6           “(2) To the extent practicable and consistent with the pro-  
7     tection of intelligence sources and methods, any program estab-  
8     lished under paragraph (1) shall be consistent with the provi-  
9     sions of this subchapter outside of this section and with any  
10    regulations issued by the Office of Personnel Management im-  
11    plementing this subchapter.”.

12           (b) CONFORMING AMENDMENTS.—Section 6339 of such  
13    title is amended—

14           (1) in paragraph (2) of subsection (b) (as so redesign-  
15    ated by subsection (a)(2)), by striking “under this sec-  
16    tion” and inserting “under this subsection”; and

17           (2) in subsection (d), by striking “of Personnel Man-  
18    agement”.

19    **SEC. 323. SENSE OF CONGRESS ON DIVERSITY IN THE**  
20    **WORKFORCE OF INTELLIGENCE COMMU-**  
21    **NITY AGENCIES.**

22           (a) FINDINGS.—Congress finds the following:

23           (1) The United States is engaged in a war against ter-  
24    rorism that requires the active participation of the intel-  
25    ligence community.

26           (2) Certain intelligence agencies, among them the Fed-  
27    eral Bureau of Investigation and the Central Intelligence  
28    Agency, have announced that they will be hiring several  
29    hundred new agents to help conduct the war on terrorism.

30           (3) Former Directors of the Federal Bureau of Inves-  
31    tigation, the Central Intelligence Agency, the National Se-  
32    curity Agency, and the Defense Intelligence Agency have  
33    stated that a more diverse intelligence community would be  
34    better equipped to gather and analyze information on di-  
35    verse communities.

36           (4) The Central Intelligence Agency and the National  
37    Security Agency were authorized to establish an under-

1 graduate training program for the purpose of recruiting  
2 and training minority operatives in 1987.

3 (5) The Defense Intelligence Agency was authorized to  
4 establish an undergraduate training program for the pur-  
5 pose of recruiting and training minority operatives in 1988.

6 (6) The National Imagery and Mapping Agency was  
7 authorized to establish an undergraduate training program  
8 for the purpose of recruiting and training minority  
9 operatives in 2000.

10 (b) SENSE OF CONGRESS.—It is the sense of Congress  
11 that—

12 (1) the Director of the Federal Bureau of Investiga-  
13 tion (with respect to the intelligence and intelligence-related  
14 activities of the Bureau), the Director of Central Intel-  
15 ligence, the Director of the National Security Agency, and  
16 the Director of the Defense Intelligence Agency should  
17 make the creation of a more diverse workforce a priority  
18 in hiring decisions; and

19 (2) the Director of Central Intelligence, the Director  
20 of the National Security Agency, the Director of the De-  
21 fense Intelligence Agency, and the Director of the National  
22 Imagery and Mapping Agency should increase their minor-  
23 ity recruitment efforts through the undergraduate training  
24 program provided for under law.

25 **SEC. 324. ANNUAL REPORT ON HIRING AND RETENTION**  
26 **OF MINORITY EMPLOYEES IN THE INTEL-**  
27 **LIGENCE COMMUNITY.**

28 Section 114 of the National Security Act of 1947 (50  
29 U.S.C. 404i) is amended—

30 (1) by redesignating subsection (c) as subsection (d);  
31 and

32 (2) by inserting after subsection (b) the following new  
33 subsection:

34 “(c) ANNUAL REPORT ON HIRING AND RETENTION OF  
35 MINORITY EMPLOYEES.—(1) The Director of Central Intel-  
36 ligence shall, on an annual basis, submit to Congress a report



1 on the employment of covered persons within each element of  
2 the intelligence community for the preceding fiscal year.

3 “(2) Each such report shall include disaggregated data by  
4 category of covered person from each element of the intelligence  
5 community on the following:

6 “(A) Of all individuals employed in the element during  
7 the fiscal year involved, the aggregate percentage of such  
8 individuals who are covered persons.

9 “(B) Of all individuals employed in the element during  
10 the fiscal year involved at the levels referred to in clauses  
11 (i) and (ii), the percentage of covered persons employed at  
12 such levels:

13 “(i) Positions at levels 1 through 15 of the Gen-  
14 eral Schedule.

15 “(ii) Positions at levels above GS-15.

16 “(C) Of all individuals hired by the element involved  
17 during the fiscal year involved, the percentage of such indi-  
18 viduals who are covered persons.

19 “(3) Each such report shall be submitted in unclassified  
20 form, but may contain a classified annex.

21 “(4) Nothing in this subsection shall be construed as pro-  
22 viding for the substitution of any similar report required under  
23 another provision of law.

24 “(5) In this subsection, the term ‘covered persons’  
25 means—

26 “(A) racial and ethnic minorities;

27 “(B) women; and

28 “(C) individuals with disabilities.”.

29 **SEC. 325. REPORT ON ESTABLISHMENT OF A CIVILIAN**  
30 **LINGUIST RESERVE CORPS.**

31 (a) REPORT.—The Secretary of Defense, acting through  
32 the Director of the National Security Education Program, shall  
33 prepare a report on the feasibility of establishing a Civilian  
34 Linguist Reserve Corps comprised of individuals with advanced  
35 levels of proficiency in foreign languages who are United States  
36 citizens who would be available upon a call of the President to  
37 perform such service or duties with respect to such foreign lan-

1 guages in the Federal Government as the President may speci-  
2 fy. In preparing the report, the Secretary shall consult with  
3 such organizations having expertise in training in foreign lan-  
4 guages as the Secretary determines appropriate.

5 (b) MATTERS CONSIDERED.—

6 (1) IN GENERAL.—In conducting the study, the Sec-  
7 retary shall develop a proposal for the structure and oper-  
8 ations of the Civilian Linguist Reserve Corps. The proposal  
9 shall establish requirements for performance of duties and  
10 levels of proficiency in foreign languages of the members of  
11 the Civilian Linguist Reserve Corps, including maintenance  
12 of language skills and specific training required for per-  
13 formance of duties as a linguist of the Federal Govern-  
14 ment, and shall include recommendations on such other  
15 matters as the Secretary determines appropriate.

16 (2) CONSIDERATION OF USE OF DEFENSE LANGUAGE  
17 INSTITUTE AND LANGUAGE REGISTRIES.—In developing the  
18 proposal under paragraph (1), the Secretary shall consider  
19 the appropriateness of using—

20 (A) the Defense Language Institute to conduct  
21 testing for language skills proficiency and performance,  
22 and to provide language refresher courses; and

23 (B) foreign language skill registries of the Depart-  
24 ment of Defense or of other agencies or departments  
25 of the United States to identify individuals with suffi-  
26 cient proficiency in foreign languages.

27 (3) CONSIDERATION OF THE MODEL OF THE RESERVE  
28 COMPONENTS OF THE ARMED FORCES.—In developing the  
29 proposal under paragraph (1), the Secretary shall consider  
30 the provisions of title 10, United States Code, establishing  
31 and governing service in the Reserve Components of the  
32 Armed Forces, as a model for the Civilian Linguist Reserve  
33 Corps.

34 (c) COMPLETION OF REPORT.—Not later than 6 months  
35 after the date of the enactment of this Act, the Secretary shall  
36 submit to Congress the report prepared under subsection (a).

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is au-  
2 thorized to be appropriated to the Secretary of Defense  
3 \$300,000 to carry out this section.

## 4 **Subtitle D—Education**

### 5 **SEC. 331. SCHOLARSHIPS AND WORK-STUDY FOR PUR-** 6 **SUIT OF GRADUATE DEGREES IN SCIENCE** 7 **AND TECHNOLOGY.**

8 (a) PROGRAM AUTHORIZED.—The National Security Act  
9 of 1947 is amended—

10 (1) by redesignating title X as title XI;

11 (2) by redesignating section 1001 as section 1101; and

12 (3) by inserting after title IX the following new title

13 X:

14 “TITLE X—EDUCATION IN SUPPORT OF NATIONAL  
15 INTELLIGENCE

16 “SCHOLARSHIPS AND WORK-STUDY FOR PURSUIT OF  
17 GRADUATE DEGREES IN SCIENCE AND TECHNOLOGY

18 “SEC. 1001. (a) PROGRAM AUTHORIZED.—The Director  
19 of Central Intelligence may carry out a program to provide  
20 scholarships and work-study for individuals who are pursuing  
21 graduate degrees in fields of study in science and technology  
22 that are identified by the Director as appropriate to meet the  
23 future needs of the intelligence community for qualified sci-  
24 entists and engineers.

25 “(b) ADMINISTRATION.—If the Director carries out the  
26 program under subsection (a), the Director shall administer the  
27 program through the Assistant Director of Central Intelligence  
28 for Administration.

29 “(c) IDENTIFICATION OF FIELDS OF STUDY.—If the Di-  
30 rector carries out the program under subsection (a), the Direc-  
31 tor shall identify fields of study under subsection (a) in con-  
32 sultation with the other heads of the elements of the intel-  
33 ligence community.

34 “(d) ELIGIBILITY FOR PARTICIPATION.—An individual eli-  
35 gible to participate in the program is any individual who—

36 “(1) either—

2

3

6

10

11

14

“TITLE X—EDUCATION IN SUPPORT OF NATIONAL INTELLIGENCE

“Sec. 1001. Scholarships and work-study for pursuit of graduate degrees in science and technology.

## “TITLE XI—OTHER PROVISIONS

“Sec. 1101. Applicability to United States intelligence activities of Federal laws implementing international treaties and agreements.”.

## 18

22

25

1 Center on a space-available basis as a Department of Defense  
2 sponsored program to defray the additive instructional costs.

3 “(2) Except as the Secretary determines necessary, an  
4 award recipient who receives instruction at the Center shall be  
5 subject to the same regulations with respect to attendance, dis-  
6 cipline, discharge, and dismissal as apply to other persons at-  
7 tending the Center.

8 “(3) In this subsection, the term ‘award recipient’ means  
9 an undergraduate student who has been awarded a scholarship  
10 under subsection (a)(1)(A) or a graduate student who has been  
11 awarded a fellowship under subsection (a)(1)(B) who—

12 “(A) is in good standing;

13 “(B) has completed all academic study in a foreign  
14 country, as provided for under the scholarship or fellow-  
15 ship; and

16 “(C) would benefit from instruction provided at the  
17 Center.”.

18 **SEC. 333. ESTABLISHMENT OF NATIONAL FLAGSHIP**  
19 **LANGUAGE INITIATIVE WITHIN THE NA-**  
20 **TIONAL SECURITY EDUCATION PROGRAM.**

21 (a) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—

22 (1) EXPANSION OF GRANT PROGRAM AUTHORITY.—

23 Subsection (a)(1) of section 802 of the David L. Boren Na-  
24 tional Security Education Act of 1991 (50 U.S.C. 1902) is  
25 amended—

26 (A) by striking “and” at the end of subparagraph  
27 (B)(ii);

28 (B) by striking the period at the end of subpara-  
29 graph (C) and inserting “; and”; and

30 (C) by adding at the end the following new sub-  
31 paragraph:

32 “(D) awarding grants to institutions of higher  
33 education to carry out activities under the National  
34 Flagship Language Initiative (described in subsection  
35 (i)).”.

36 (2) PROVISIONS OF NATIONAL FLAGSHIP LANGUAGE  
37 INITIATIVE.—Such section, as amended by section 332, is

1 further amended by adding at the end the following new  
2 subsection:

3 “(i) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—(1)  
4 Under the National Flagship Language Initiative, institutions  
5 of higher education shall establish, operate, or improve activi-  
6 ties designed to train students in programs in a range of dis-  
7 ciplines to achieve advanced levels of proficiency in those for-  
8 eign languages that the Secretary identifies as being the most  
9 critical in the interests of the national security of the United  
10 States.

11 “(2) An undergraduate student who has been awarded a  
12 scholarship under subsection (a)(1)(A) or a graduate student  
13 who has been awarded a fellowship under subsection (a)(1)(B)  
14 may participate in the activities carried out under the National  
15 Flagship Language Initiative.

16 “(3) An institution of higher education that receives a  
17 grant pursuant to subsection (a)(1)(D) shall give special con-  
18 sideration to applicants who are employees of the Federal Gov-  
19 ernment.

20 “(4) For purposes of this subsection, the Foreign Lan-  
21 guage Center of the Defense Language Institute and any other  
22 educational institution that provides training in foreign lan-  
23 guages operated by the Department of Defense or an agency  
24 in the intelligence community is deemed to be an institution of  
25 higher education, and may carry out the types of activities per-  
26 mitted under the National Flagship Language Initiative.”.

27 (3) INAPPLICABILITY OF FUNDING ALLOCATION  
28 RULES.—Subsection (a)(2) of such section is amended by  
29 adding at the end the following flush sentences:

30 “The funding allocation under this paragraph shall not  
31 apply to grants under paragraph (1)(D) for the National  
32 Flagship Language Initiative described in subsection (i).  
33 For the authorization of appropriations for the National  
34 Flagship Language Initiative, see section 811.”.

35 (4) BOARD REQUIREMENT.—Section 803(d)(4) of such  
36 Act (50 U.S.C. 1903(d)(4)) is amended—

1 (A) by striking “and” at the end of subparagraph  
2 (C);

3 (B) by striking the period at the end of subpara-  
4 graph (D) and inserting “; and”; and

5 (C) by adding at the end the following new sub-  
6 paragraph:

7 “(E) which foreign languages are critical to the  
8 national security interests of the United States for pur-  
9 poses of section 802(a)(1)(D) (relating to grants for  
10 the National Flagship Language Initiative).”.

11 (b) FUNDING.—The David L. Boren National Security  
12 Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended  
13 by adding at the end the following new section:

14 **“SEC. 811. ADDITIONAL ANNUAL AUTHORIZATION OF**  
15 **APPROPRIATIONS.**

16 “(a) IN GENERAL.—In addition to amounts that may be  
17 made available to the Secretary under the Fund for a fiscal  
18 year, there is authorized to be appropriated to the Secretary for  
19 each fiscal year, beginning with fiscal year 2003, \$10,000,000,  
20 to carry out the grant program for the National Flagship Lan-  
21 guage Initiative under section 802(a)(1)(D).

22 “(b) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts  
23 appropriated pursuant to the authorization of appropriations  
24 under subsection (a) shall remain available until expended.”.

25 (c) EFFECTIVE DATE.—The amendments made by this  
26 section shall take effect on the date the Secretary of Defense  
27 submits the report required under section 334 of this Act and  
28 notifies the appropriate committees of Congress (as defined in  
29 subsection (c) of that section) that the programs carried out  
30 under the David L. Boren National Security Education Act of  
31 1991 are being managed in a fiscally and programmatically  
32 sound manner.

33 (d) CONSTRUCTION.—Nothing in this section shall be con-  
34 strued as affecting any program or project carried out under  
35 the David L. Boren National Security Education Act of 1991  
36 as in effect on the date that precedes the date of the enactment  
37 of this Act.

1   **SEC. 334. REPORT ON THE NATIONAL SECURITY EDU-**  
2       **CATION PROGRAM.**

3       (a) IN GENERAL.—Not later than 180 days after the date  
4   of the enactment of this Act, the Secretary of Defense shall  
5   submit to the appropriate committees of Congress a report on  
6   the matters described in subsection (b) with respect to the  
7   David L. Boren National Security Education Act of 1991 (50  
8   U.S.C. 1901 et seq.).

9       (b) COVERED MATTERS.—The matters described in this  
10   subsection are as follows:

11       (1) EFFECTIVENESS OF PROGRAM.—An evaluation of  
12   the National Security Education Program, including an as-  
13   sessment of the effectiveness of the program in meeting its  
14   goals and an assessment of the administrative costs of the  
15   program in relation to the amounts of scholarships, fellow-  
16   ships, and grants awarded.

17       (2) CONVERSION OF FUNDING.—An assessment of the  
18   advisability of converting funding of the National Security  
19   Education Program from funding through the National Se-  
20   curity Education Trust Fund under section 804 of that Act  
21   (50 U.S.C. 1904) to funding through appropriations.

22       (3) RECOMMENDATIONS.—On any matter covered by  
23   paragraph (1) or (2), such recommendations for legislation  
24   with respect to such matter as the Secretary considers ap-  
25   propriate.

26       (c) APPROPRIATE COMMITTEES OF CONGRESS DE-  
27   FINED.—In this section, the term “appropriate committees of  
28   Congress” means—

29       (1) the Select Committee on Intelligence and the Com-  
30   mittees on Armed Services and Appropriations of the Sen-  
31   ate; and

32       (2) the Permanent Select Committee on Intelligence  
33   and the Committees on Armed Services and Appropriations  
34   of the House of Representatives.



## Subtitle E—Terrorism

### SEC. 341. FOREIGN TERRORIST ASSET TRACKING CENTER.

(a) ESTABLISHMENT.—The Director of Central Intelligence, acting as the head of the intelligence community, shall establish in the Central Intelligence Agency an element responsible for conducting all-source intelligence analysis of information relating to the financial capabilities, practices, and activities of individuals, groups, and nations associated with international terrorism in their activities relating to international terrorism.

(b) DESIGNATION.—The element established under subsection (a) shall be known as the Foreign Terrorist Asset Tracking Center.

(c) DEADLINE FOR ESTABLISHMENT.—The element required by subsection (a) shall be established as soon as practicable after the date of the enactment of this Act, but not later than 90 days after that date.

### SEC. 342. SEMIANNUAL REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS (FITA).

#### (a) SEMIANNUAL REPORT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

#### “SEMIANNUAL REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS

“SEC. 118. (a) SEMIANNUAL REPORT.—On a semiannual basis, the Secretary of the Treasury (acting through the head of the Office of Intelligence Support) shall submit a report to the appropriate congressional committees that fully informs the committees concerning operations against terrorist financial networks. Each such report shall include with respect to the preceding six-month period—

“(1) the total number of asset seizures, designations, and other actions against individuals or entities found to have engaged in financial support of terrorism;

1           “(2) the total number of applications for asset seizure  
2           and designations of individuals or entities suspected of hav-  
3           ing engaged in financial support of terrorist activities that  
4           were granted, modified, or denied;

5           “(3) the total number of physical searches of offices,  
6           residences, or financial records of individuals or entities  
7           suspected of having engaged in financial support for ter-  
8           rorist activity; and

9           “(4) whether the financial intelligence information  
10          seized in these cases has been shared on a full and timely  
11          basis with the all departments, agencies, and other entities  
12          of the United States Government involved in intelligence  
13          activities participating in the Foreign Terrorist Asset  
14          Tracking Center.

15          “(b) IMMEDIATE NOTIFICATION FOR EMERGENCY DES-  
16          IGNATION.—In the case of a designation of an individual or en-  
17          tity, or the assets of an individual or entity, as having been  
18          found to have engaged in terrorist activities, the Secretary of  
19          the Treasury shall report such designation within 24 hours of  
20          such a designation to the appropriate congressional committees.

21          “(c) SUBMITTAL DATE OF REPORTS TO CONGRESSIONAL  
22          INTELLIGENCE COMMITTEES.—In the case of the reports re-  
23          quired to be submitted under subsection (a) to the congres-  
24          sional intelligence committees, the submittal dates for such re-  
25          ports shall be as provided in section 507.

26          “(d) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
27          FINED.—In this section, the term ‘appropriate congressional  
28          committees’ means the following:

29                 “(1) The Permanent Select Committee on Intelligence,  
30                 the Committee on Appropriations, and the Committee on  
31                 Financial Services of the House of Representatives.

32                 “(2) The Select Committee on Intelligence, the Com-  
33                 mittee on Appropriations, and the Committee on Banking,  
34                 Housing, and Urban Affairs of the Senate.”.

35                 “(2) CLERICAL AMENDMENT.—The table of contents  
36                 contained in the first section of such Act is amended by in-

1       serting after the item relating to section 117 the following  
2       new item:

      "Sec. 118. Semiannual report on financial intelligence on terrorist assets."

3       (b) CONFORMING AMENDMENT.—Section 501(f) of the  
4       National Security Act of 1947 (50 U.S.C. 413(f)) is amended  
5       by inserting before the period the following: ", and includes fi-  
6       nancial intelligence activities".

7       **SEC. 343. TERRORIST IDENTIFICATION CLASSIFICATION**  
8       **SYSTEM.**

9       (a) REQUIREMENT.—(1) The Director of Central Intel-  
10      ligence, acting as head of the Intelligence Community, shall—

11          (A) establish and maintain a list of individuals who  
12          are known or suspected international terrorists, and of or-  
13          ganizations that are known or suspected international ter-  
14          rorist organizations; and

15          (B) ensure that pertinent information on the list is  
16          shared with the departments, agencies, and organizations  
17          described by subsection (c).

18      (2) The list under paragraph (1), and the mechanisms for  
19      sharing information on the list, shall be known as the "Ter-  
20      rorist Identification Classification System".

21      (b) ADMINISTRATION.—(1) The Director shall prescribe  
22      requirements for the inclusion of an individual or organization  
23      on the list required by subsection (a), and for the deletion or  
24      omission from the list of an individual or organization currently  
25      on the list.

26      (2) The Director shall ensure that the information utilized  
27      to determine the inclusion, or deletion or omission, of an indi-  
28      vidual or organization on or from the list is derived from all-  
29      source intelligence.

30      (3) The Director shall ensure that the list is maintained  
31      in accordance with existing law and regulations governing the  
32      collection, storage, and dissemination of intelligence concerning  
33      United States persons.

34      (c) INFORMATION SHARING.—Subject to section 103(c)(6)  
35      of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6)),  
36      relating to the protection of intelligence sources and methods,

1 the Director shall provide for the sharing of the list, and infor-  
2 mation on the list, with such departments and agencies of the  
3 Federal Government, State and local government agencies, and  
4 entities of foreign governments and international organizations  
5 as the Director considers appropriate.

6 (d) REPORTING AND CERTIFICATION.—(1) The Director  
7 shall review on an annual basis the information provided by  
8 various departments and agencies for purposes of the list under  
9 subsection (a) in order to determine whether or not the infor-  
10 mation so provided is derived from the widest possible range  
11 of intelligence available to such departments and agencies.

12 (2) The Director shall, as a result of each review under  
13 paragraph (1), certify whether or not the elements of the intel-  
14 ligence community responsible for the collection of intelligence  
15 related to the list have provided information for purposes of the  
16 list that is derived from the widest possible range of intelligence  
17 available to such department and agencies.

18 (e) REPORT ON CRITERIA FOR INFORMATION SHARING.—  
19 (1) Not later than March 1, 2003, the Director shall submit  
20 to the congressional intelligence committees a report describing  
21 the criteria used to determine which types of information on  
22 the list required by subsection (a) are to be shared, and which  
23 types of information are not to be shared, with various depart-  
24 ments and agencies of the Federal Government, State and local  
25 government agencies, and entities of foreign governments and  
26 international organizations.

27 (2) The report shall include a description of the cir-  
28 cumstances in which the Director has determined that sharing  
29 information on the list with the departments and agencies of  
30 the Federal Government, and of State and local governments,  
31 described by subsection (c) would be inappropriate due to the  
32 concerns addressed by section 103(c)(6) of the National Secu-  
33 rity Act of 1947, relating to the protection of sources and  
34 methods, and any instance in which the sharing of information  
35 on the list has been inappropriate in light of such concerns.

36 (f) SYSTEM ADMINISTRATION REQUIREMENTS.—(1) The  
37 Director shall, to the maximum extent practicable, ensure the

1 interoperability of the Terrorist Identification Classification  
2 System with relevant information systems of the departments  
3 and agencies of the Federal Government, and of State and local  
4 governments, described by subsection (c).

5 (2) The Director shall ensure that the System utilizes  
6 technologies that are effective in aiding the identification of in-  
7 dividuals in the field.

8 (g) REPORT ON STATUS OF SYSTEM.—(1) Not later than  
9 one year after the date of the enactment of this Act, the Direc-  
10 tor shall, in consultation with the Director of Homeland Secu-  
11 rity, submit to the congressional intelligence committees a re-  
12 port on the status of the Terrorist Identification Classification  
13 System. The report shall contain a certification on the fol-  
14 lowing:

15 (A) Whether the System contains the intelligence in-  
16 formation necessary to facilitate the contribution of the  
17 System to the domestic security of the United States.

18 (B) Whether the departments and agencies having ac-  
19 cess to the System have access in a manner that permits  
20 such departments and agencies to carry out appropriately  
21 their domestic security responsibilities.

22 (C) Whether the System is operating in a manner that  
23 maximizes its contribution to the domestic security of the  
24 United States.

25 (D) If a certification under subparagraph (A), (B), or  
26 (C) is in the negative, the modifications or enhancements  
27 of the System necessary to ensure a future certification in  
28 the positive.

29 (2) The report shall be submitted in unclassified form, but  
30 may include a classified annex.

31 (h) CONGRESSIONAL INTELLIGENCE COMMITTEES DE-  
32 FINED.—In this section, the term “congressional intelligence  
33 committees” means—

34 (1) the Select Committee on Intelligence of the Senate;  
35 and

36 (2) the Permanent Select Committee on Intelligence of  
37 the House of Representatives.

## Subtitle F—Other Matters

### SEC. 351. ADDITIONAL ONE-YEAR SUSPENSION OF RE- ORGANIZATION OF DIPLOMATIC TELE- COMMUNICATIONS SERVICE PROGRAM OF FICE.

Section 311 of the Intelligence Authorization Act for Fiscal Year 2002 (Public Law 107-108; 22 U.S.C. 7301 note; 115 Stat. 1401) is amended—

(1) in the heading, by striking “**ONE-YEAR**” and inserting “**TWO-YEAR**”; and

(2) in the text, by striking “October 1, 2002” and inserting “October 1, 2003”.

### SEC. 352. STANDARDIZED TRANSLITERATION OF NAMES INTO THE ROMAN ALPHABET.

(a) METHOD OF TRANSLITERATION REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of Central Intelligence shall provide for a standardized method for transliterating into the Roman alphabet personal and place names originally rendered in any language that uses an alphabet other than the Roman alphabet.

(b) USE BY INTELLIGENCE COMMUNITY.—The Director shall ensure the use of the method established under subsection (a) in—

(1) all communications among the elements of the intelligence community; and

(2) all intelligence products of the intelligence community.

### SEC. 353. DEFINITION OF CONGRESSIONAL INTELLIGENCE COMMITTEES IN NATIONAL SECURITY ACT OF 1947.

(a) IN GENERAL.—Section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended by adding at the end the following new paragraph:

“(7) The term ‘congressional intelligence committees’ means—

“(A) the Select Committee on Intelligence of the Senate; and

1           “(B) the Permanent Select Committee on Intel-  
2           ligence of the House of Representatives.”.

3           (b) CONFORMING AMENDMENTS.—(1) That Act is further  
4           amended by striking “Select Committee on Intelligence of the  
5           Senate and the Permanent Select Committee on Intelligence of  
6           the House of Representatives” and inserting “congressional in-  
7           telligence committees” in each of the following provisions:

8                   (A) Section 104(d)(4) (50 U.S.C. 403–4(d)(4)).

9                   (B) Section 603(a) (50 U.S.C. 423(a)).

10          (2) That Act is further amended by striking “Permanent  
11          Select Committee on Intelligence of the House of Representa-  
12          tives and the Select Committee on Intelligence of the Senate”  
13          and inserting “congressional intelligence committees” in each  
14          of the following provisions:

15                   (A) Section 301(j) (50 U.S.C. 409a(j)).

16                   (B) Section 801(b)(2) (50 U.S.C. 435(b)(2)).

17                   (C) Section 903 (50 U.S.C. 441b).

18          (3) That Act is further amended by striking “intelligence  
19          committees” and inserting “congressional intelligence commit-  
20          tees” each place it appears in each of the following provisions:

21                   (A) Section 501 (50 U.S.C. 413).

22                   (B) Section 502 (50 U.S.C. 413a).

23                   (C) Section 503 (50 U.S.C. 413b).

24                   (D) Section 504(d)(2) (50 U.S.C. 414(d)(2)).

25          (4) Section 104(d)(5) of that Act (50 U.S.C. 403–4(d)(5))  
26          is amended by striking “Select Committee on Intelligence of  
27          the Senate and to the Permanent Select Committee on Intel-  
28          ligence of the House of Representatives” and inserting “con-  
29          gressional intelligence committees”.

30          (5) Section 105C(a)(3)(C) of that Act (50 U.S.C. 403–  
31          5c(a)(3)(C)) is amended—

32                   (A) by striking clauses (i) and (ii) and inserting the  
33                   following new clause (i):

34                           “(i) The congressional intelligence committees.”;

35                   and

36                   (B) by redesignating clauses (iii), (iv), (v), and (vi) as  
37                   clauses (ii), (iii), (iv), and (v), respectively.

1 (6) Section 114 of that Act (50 U.S.C. 404i), as amended  
2 by section 324, is amended by striking subsection (d), as so re-  
3 designated, and inserting the following new subsection (d):

4 “(d) CONGRESSIONAL LEADERSHIP DEFINED.—In this  
5 section, the term ‘congressional leadership’ means the Speaker  
6 and the minority leader of the House of Representatives and  
7 the majority leader and the minority leader of the Senate.”.

8 (7) Section 501(a) of that Act (50 U.S.C. 413(a)), as  
9 amended by paragraph (3) of this subsection, is further  
10 amended—

11 (A) by striking paragraph (2); and

12 (B) by redesignating paragraph (3) as paragraph (2).

13 (8) Section 503(c)(4) of that Act (50 U.S.C. 413b(c)(4))  
14 is amended by striking “intelligence committee” and inserting  
15 “congressional intelligence committee”.

16 (9) Section 602(c) of that Act (50 U.S.C. 422(e)) is  
17 amended by striking “the Select Committee on Intelligence of  
18 the Senate or to the Permanent Select Committee on Intel-  
19 ligence of the House of Representatives” and inserting “either  
20 congressional intelligence committee”.

21 (10) Section 701(c)(3) of that Act (50 U.S.C. 431(e)(3))  
22 is amended by striking “intelligence committees of the Con-  
23 gress” and inserting “congressional intelligence committees”.

## 24 **TITLE IV—CENTRAL** 25 **INTELLIGENCE AGENCY**

### 26 **SEC. 401. TWO-YEAR EXTENSION OF CENTRAL INTEL-** 27 **LIGENCE AGENCY VOLUNTARY SEPARATION** 28 **PAY ACT.**

29 Section 2 of the Central Intelligence Agency Voluntary  
30 Separation Pay Act (50 U.S.C. 403—4 note) is amended—

31 (1) in subsection (f), by striking “September 30,  
32 2003” and inserting “September 30, 2005”; and

33 (2) in subsection (i), by striking “or 2003” and insert-  
34 ing “2003, 2004, or 2005”.



1   **SEC. 402. IMPLEMENTATION OF COMPENSATION RE-**  
2       **FORM PLAN.**

3       (a) DELAY ON IMPLEMENTATION ON COMPENSATION RE-  
4   FORM PLAN.—(1) The Director of Central Intelligence may not  
5   implement before the implementation date (described in para-  
6   graph (2)) a plan for the compensation of employees of the  
7   Central Intelligence Agency that differs from the plan in effect  
8   on October 1, 2002.

9       (2) The implementation date referred to in paragraph (1)  
10   is February 1, 2004, or the date on which the Director submits  
11   to the congressional intelligence committees a report on the  
12   pilot project conducted under subsection (b), whichever is later.

13       (3) It is the sense of Congress that an employee perform-  
14   ance evaluation mechanism with evaluation training for man-  
15   agers and employees of the Central Intelligence Agency should  
16   be phased in before the implementation of any new compensa-  
17   tion plan.

18       (b) PILOT PROJECT.—(1) The Director shall conduct a  
19   pilot project to test the efficacy and fairness of a plan for the  
20   compensation of employees of the Central Intelligence Agency  
21   that differs from the plan in effect on October 1, 2002, within  
22   any one component of the Central Intelligence Agency selected  
23   by the Director, other than a component for which a pilot  
24   project on employee compensation has been previously con-  
25   ducted.

26       (2) The pilot project under paragraph (1) shall be con-  
27   ducted for a period of at least 1 year.

28       (3) Not later than the date that is 45 days after the com-  
29   pletion of the pilot project under paragraph (1), the Director  
30   shall submit to the congressional intelligence committees a re-  
31   port that contains an evaluation of the project and such rec-  
32   ommendations as the Director considers appropriate for the  
33   modification of the plans for the compensation of employees  
34   throughout the Agency which are in effect on such date.

35       (c) SENSE OF CONGRESS ON IMPLEMENTATION OF COM-  
36   PENSATION REFORM PLAN FOR THE NATIONAL SECURITY  
37   AGENCY.—It is the sense of Congress that—

1 (1) the Director of the National Security Agency  
2 should not implement before February 1, 2004, a plan for  
3 the compensation of employees of the National Security  
4 Agency that differs from the plan in effect on October 1,  
5 2002; and

6 (2) an employee performance evaluation mechanism  
7 with evaluation training for managers and employees of the  
8 National Security Agency should be phased in before the  
9 implementation of any new compensation plan.

10 (d) CONGRESSIONAL INTELLIGENCE COMMITTEES DE-  
11 FINED.—In this section, the term “congressional intelligence  
12 committees” means the Select Committee on Intelligence of the  
13 Senate and the Permanent Select Committee on Intelligence of  
14 the House of Representatives.

15 **TITLE V—DEPARTMENT OF DE-**  
16 **FENSE INTELLIGENCE ACTIVI-**  
17 **TIES**

18 **SEC. 501. USE OF FUNDS FOR COUNTERDRUG AND**  
19 **COUNTERTERRORISM ACTIVITIES FOR CO-**  
20 **LOMBIA.**

21 (a) AUTHORITY.—Funds designated for intelligence or in-  
22 telligence-related purposes for assistance to the Government of  
23 Colombia for counterdrug activities for fiscal years 2002 and  
24 2003, and any unobligated funds available to any element of  
25 the intelligence community for such activities for a prior fiscal  
26 year, shall be available to support a unified campaign against  
27 narcotics trafficking and against activities by organizations des-  
28 ignated as terrorist organizations (such as the Revolutionary  
29 Armed Forces of Colombia (FARC), the National Liberation  
30 Army (ELN), and the United Self-Defense Forces of Colombia  
31 (AUC)), and to take actions to protect human health and wel-  
32 fare in emergency circumstances, including undertaking rescue  
33 operations.

34 (b) REQUIREMENT FOR CERTIFICATION.—(1) The au-  
35 thorities provided in subsection (a) shall not be exercised until  
36 the Secretary of Defense certifies to the Congress that the pro-  
37 visions of paragraph (2) have been complied with.

1           (2) In order to ensure the effectiveness of United States  
2 support for such a unified campaign, prior to the exercise of  
3 the authority contained in subsection (a), the Secretary of  
4 State shall report to the appropriate committees of Congress  
5 that the newly elected President of Colombia has—

6           (A) committed, in writing, to establish comprehen-  
7 sive policies to combat illicit drug cultivation, manufac-  
8 turing, and trafficking (particularly with respect to pro-  
9 viding economic opportunities that offer viable alter-  
10 natives to illicit crops) and to restore government au-  
11 thority and respect for human rights in areas under the  
12 effective control of paramilitary and guerrilla organiza-  
13 tions;

14           (B) committed, in writing, to implement signifi-  
15 cant budgetary and personnel reforms of the Colombian  
16 Armed Forces; and

17           (C) committed, in writing, to support substantial  
18 additional Colombian financial and other resources to  
19 implement such policies and reforms, particularly to  
20 meet the country's previous commitments under "Plan  
21 Colombia".

22 In this paragraph, the term "appropriate committees of Con-  
23 gress" means the Permanent Select Committee on Intelligence  
24 and the Committees on Appropriations and Armed Services of  
25 the House of Representatives and the Select Committee on In-  
26 telligence and the Committees on Appropriations and Armed  
27 Services of the Senate.

28           (c) TERMINATION OF AUTHORITY.—The authority pro-  
29 vided in subsection (a) shall cease to be effective if the Sec-  
30 retary of Defense has credible evidence that the Colombian  
31 Armed Forces are not conducting vigorous operations to restore  
32 government authority and respect for human rights in areas  
33 under the effective control of paramilitary and guerrilla organi-  
34 zations.

35           (d) APPLICATION OF CERTAIN PROVISIONS OF LAW.—Sec-  
36 tions 556, 567, and 568 of Public Law 107-115, section 8093  
37 of the Department of Defense Appropriations Act, 2002, and

1 the numerical limitations on the number of United States mili-  
2 tary personnel and United States individual civilian contractors  
3 in section 3204(b)(1) of Public Law 106-246 shall be applica-  
4 ble to funds made available pursuant to the authority contained  
5 in subsection (a).

6 (e) LIMITATION ON PARTICIPATION OF UNITED STATES  
7 PERSONNEL.—No United States Armed Forces personnel or  
8 United States civilian contractor employed by the United States  
9 will participate in any combat operation in connection with as-  
10 sistance made available under this section, except for the pur-  
11 pose of acting in self defense or rescuing any United States cit-  
12 izen to include United States Armed Forces personnel, United  
13 States civilian employees, and civilian contractors employed by  
14 the United States.

15 **SEC. 502. PROTECTION OF OPERATIONAL FILES OF THE**  
16 **NATIONAL RECONNAISSANCE OFFICE.**

17 (a) IN GENERAL.—Title I of the National Security Act of  
18 1947 (50 U.S.C. 402 et seq.) is amended by inserting after sec-  
19 tion 105C (50 U.S.C. 403-5c) the following new section:

20 "PROTECTION OF OPERATIONAL FILES OF THE NATIONAL  
21 RECONNAISSANCE OFFICE

22 "SEC. 105D. (a) EXEMPTION OF CERTAIN OPERATIONAL  
23 FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLO-  
24 SURE.—(1) The Director of the National Reconnaissance Of-  
25 fice, with the coordination of the Director of Central Intel-  
26 ligence, may exempt operational files of the National Recon-  
27 naissance Office from the provisions of section 552 of title 5,  
28 United States Code, which require publication, disclosure,  
29 search, or review in connection therewith.

30 "(2)(A) Subject to subparagraph (B), for the purposes of  
31 this section, the term 'operational files' means files of the Na-  
32 tional Reconnaissance Office (hereafter in this section referred  
33 to as 'NRO') that document the means by which foreign intel-  
34 ligence or counterintelligence is collected through scientific and  
35 technical systems.

36 "(B) Files which are the sole repository of disseminated  
37 intelligence are not operational files.

1       “(3) Notwithstanding paragraph (1), exempted operational  
2 files shall continue to be subject to search and review for infor-  
3 mation concerning—

4           “(A) United States citizens or aliens lawfully admitted  
5 for permanent residence who have requested information on  
6 themselves pursuant to the provisions of section 552 or  
7 552a of title 5, United States Code;

8           “(B) any special activity the existence of which is not  
9 exempt from disclosure under the provisions of section 552  
10 of title 5, United States Code; or

11          “(C) the specific subject matter of an investigation by  
12 any of the following for any impropriety, or violation of  
13 law, Executive order, or Presidential directive, in the con-  
14 duct of an intelligence activity:

15           “(i) The Permanent Select Committee on Intel-  
16 ligence of the House of Representatives.

17           “(ii) The Select Committee on Intelligence of the  
18 Senate.

19           “(iii) The Intelligence Oversight Board.

20           “(iv) The Department of Justice.

21           “(v) The Office of General Counsel of NRO.

22           “(vi) The Office of the Director of NRO.

23          “(4)(A) Files that are not exempted under paragraph (1)  
24 which contain information derived or disseminated from ex-  
25 empted operational files shall be subject to search and review.

26          “(B) The inclusion of information from exempted oper-  
27 ational files in files that are not exempted under paragraph (1)  
28 shall not affect the exemption under paragraph (1) of the origi-  
29 nating operational files from search, review, publication, or dis-  
30 closure.

31          “(C) The declassification of some of the information con-  
32 tained in exempted operational files shall not affect the status  
33 of the operational file as being exempt from search, review,  
34 publication, or disclosure.

35          “(D) Records from exempted operational files which have  
36 been disseminated to and referenced in files that are not ex-  
37 empted under paragraph (1) and which have been returned to

1 exempted operational files for sole retention shall be subject to  
2 search and review.

3 “(5) The provisions of paragraph (1) may not be super-  
4 seded except by a provision of law which is enacted after the  
5 date of the enactment of this section, and which specifically  
6 cites and repeals or modifies its provisions.

7 “(6)(A) Except as provided in subparagraph (B), when-  
8 ever any person who has requested agency records under sec-  
9 tion 552 of title 5, United States Code, alleges that NRO has  
10 withheld records improperly because of failure to comply with  
11 any provision of this section, judicial review shall be available  
12 under the terms set forth in section 552(a)(4)(B) of title 5,  
13 United States Code.

14 “(B) Judicial review shall not be available in the manner  
15 provided for under subparagraph (A) as follows:

16 “(i) In any case in which information specifically au-  
17 thorized under criteria established by an Executive order to  
18 be kept secret in the interests of national defense or foreign  
19 relations is filed with, or produced for, the court by NRO,  
20 such information shall be examined ex parte, in camera by  
21 the court.

22 “(ii) The court shall, to the fullest extent practicable,  
23 determine the issues of fact based on sworn written submis-  
24 sions of the parties.

25 “(iii) When a complainant alleges that requested  
26 records are improperly withheld because of improper place-  
27 ment solely in exempted operational files, the complainant  
28 shall support such allegation with a sworn written submis-  
29 sion based upon personal knowledge or otherwise admissible  
30 evidence.

31 “(iv)(I) When a complainant alleges that requested  
32 records were improperly withheld because of improper ex-  
33 emption of operational files, NRO shall meet its burden  
34 under section 552(a)(4)(B) of title 5, United States Code,  
35 by demonstrating to the court by sworn written submission  
36 that exempted operational files likely to contain responsible

1 records currently perform the functions set forth in para-  
2 graph (2).

3 “(II) The court may not order NRO to review the con-  
4 tent of any exempted operational file or files in order to  
5 make the demonstration required under subelause (I), un-  
6 less the complainant disputes NRO’s showing with a sworn  
7 written submission based on personal knowledge or other-  
8 wise admissible evidence.

9 “(v) In proceedings under clauses (iii) and (iv), the  
10 parties may not obtain discovery pursuant to rules 26  
11 through 36 of the Federal Rules of Civil Procedure, except  
12 that requests for admissions may be made pursuant to  
13 rules 26 and 36.

14 “(vi) If the court finds under this paragraph that  
15 NRO has improperly withheld requested records because of  
16 failure to comply with any provision of this subsection, the  
17 court shall order NRO to search and review the appropriate  
18 exempted operational file or files for the requested records  
19 and make such records, or portions thereof, available in ac-  
20 cordance with the provisions of section 552 of title 5,  
21 United States Code, and such order shall be the exclusive  
22 remedy for failure to comply with this subsection.

23 “(vii) If at any time following the filing of a complaint  
24 pursuant to this paragraph NRO agrees to search the ap-  
25 propriate exempted operational file or files for the re-  
26 quested records, the court shall dismiss the claim based  
27 upon such complaint.

28 “(viii) Any information filed with, or produced for the  
29 court pursuant to clauses (i) and (iv) shall be coordinated  
30 with the Director of Central Intelligence prior to submis-  
31 sion to the court.

32 “(b) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL  
33 FILES.—(1) Not less than once every 10 years, the Director of  
34 the National Reconnaissance Office and the Director of Central  
35 Intelligence shall review the exemptions in force under sub-  
36 section (a)(1) to determine whether such exemptions may be re-  
37 moved from the category of exempted files or any portion there-

1 of. The Director of Central Intelligence must approve any de-  
2 termination to remove such exemptions.

3 “(2) The review required by paragraph (1) shall include  
4 consideration of the historical value or other public interest in  
5 the subject matter of the particular category of files or portions  
6 thereof and the potential for declassifying a significant part of  
7 the information contained therein.

8 “(3) A complainant that alleges that NRO has improperly  
9 withheld records because of failure to comply with this sub-  
10 section may seek judicial review in the district court of the  
11 United States of the district in which any of the parties reside,  
12 or in the District of Columbia. In such a proceeding, the  
13 court’s review shall be limited to determining the following:

14 “(A) Whether NRO has conducted the review required  
15 by paragraph (1) before the expiration of the 10-year pe-  
16 riod beginning on the date of the enactment of this section  
17 or before the expiration of the 10-year period beginning on  
18 the date of the most recent review.

19 “(B) Whether NRO, in fact, considered the criteria set  
20 forth in paragraph (2) in conducting the required review.”.

21 (b) CLERICAL AMENDMENT.—The table of sections for  
22 that Act is amended by inserting after the item relating to sec-  
23 tion 105C the following new item:

“Sec. 105D. Protection of operational files of the National Reconnaissance  
Office.”.

24 **SEC. 503. ELIGIBILITY OF EMPLOYEES IN INTEL-**  
25 **LIGENCE SENIOR LEVEL POSITIONS FOR**  
26 **PRESIDENTIAL RANK AWARDS.**

27 Section 1607 of title 10, United States Code, is amended  
28 by adding at the end the following new subsection:

29 “(c) AWARD OF RANK TO EMPLOYEES IN INTELLIGENCE  
30 SENIOR LEVEL POSITIONS.—The President, based on the rec-  
31 ommendations of the Secretary of Defense, may award a rank  
32 referred to in section 4507a of title 5 to employees in Intel-  
33 ligence Senior Level positions designated under subsection (a).  
34 The award of such rank shall be made in a manner consistent  
35 with the provisions of that section.”.



**TITLE VI—NATIONAL COMMISSION  
ON TERRORIST ATTACKS UPON  
THE UNITED STATES**

**SEC. 601. ESTABLISHMENT OF COMMISSION.**

There is established in the legislative branch the National Commission on Terrorist Attacks Upon the United States (in this title referred to as the "Commission").

**SEC. 602. PURPOSES.**

The purposes of the Commission are to—

(1) examine and report upon the facts and causes relating to the terrorist attacks of September 11, 2001, occurring at the World Trade Center in New York, New York, in Somerset County, Pennsylvania, and at the Pentagon in Virginia;

(2) ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks;

(3) build upon the investigations of other entities, and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of—

(A) the Joint Inquiry of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives regarding the terrorist attacks of September 11, 2001, (hereinafter in this title referred to as the "Joint Inquiry"); and

(B) other executive branch, congressional, or independent commission investigations into the terrorist attacks of September 11, 2001, other terrorist attacks, and terrorism generally;

(4) make a full and complete accounting of the circumstances surrounding the attacks, and the extent of the United States' preparedness for, and immediate response to, the attacks; and

(5) investigate and report to the President and Congress on its findings, conclusions, and recommendations for

1       corrective measures that can be taken to prevent acts of  
2       terrorism.

3       **SEC. 603. COMPOSITION OF COMMISSION.**

4       (a) MEMBERS.—The Commission shall be composed of 10  
5       members, of whom—

6               (1) 1 member shall be appointed by the President, who  
7               shall serve as chairman of the Commission;

8               (2) 1 member shall be appointed by the leader of the  
9               Senate (majority or minority leader, as the case may be)  
10              of the Democratic Party, in consultation with the leader of  
11              the House of Representatives (majority or minority leader,  
12              as the case may be) of the Democratic Party, who shall  
13              serve as vice chairman of the Commission;

14              (3) 2 members shall be appointed by the senior mem-  
15              ber of the Senate leadership of the Democratic Party;

16              (4) 2 members shall be appointed by the senior mem-  
17              ber of the leadership of the House of Representatives of the  
18              Republican Party;

19              (5) 2 members shall be appointed by the senior mem-  
20              ber of the Senate leadership of the Republican Party; and

21              (6) 2 members shall be appointed by the senior mem-  
22              ber of the leadership of the House of Representatives of the  
23              Democratic Party.

24       (b) QUALIFICATIONS; INITIAL MEETING.—

25              (1) POLITICAL PARTY AFFILIATION.—Not more than 5  
26              members of the Commission shall be from the same polit-  
27              ical party.

28              (2) NONGOVERNMENTAL APPOINTEES.—An individual  
29              appointed to the Commission may not be an officer or em-  
30              ployee of the Federal Government or any State or local  
31              government.

32              (3) OTHER QUALIFICATIONS.—It is the sense of Con-  
33              gress that individuals appointed to the Commission should  
34              be prominent United States citizens, with national recogni-  
35              tion and significant depth of experience in such professions  
36              as governmental service, law enforcement, the armed serv-

1       ices, law, public administration, intelligence gathering, com-  
2       merce (including aviation matters), and foreign affairs.

3       (4) DEADLINE FOR APPOINTMENT.—All members of  
4       the Commission shall be appointed on or before December  
5       15, 2002.

6       (5) INITIAL MEETING.—The Commission shall meet  
7       and begin the operations of the Commission as soon as  
8       practicable.

9       (c) QUORUM; VACANCIES.—After its initial meeting, the  
10      Commission shall meet upon the call of the chairman or a ma-  
11      jority of its members. Six members of the Commission shall  
12      constitute a quorum. Any vacancy in the Commission shall not  
13      affect its powers, but shall be filled in the same manner in  
14      which the original appointment was made.

15      **SEC. 604. FUNCTIONS OF COMMISSION.**

16      (a) IN GENERAL.—The functions of the Commission are  
17      to—

18           (1) conduct an investigation that—

19               (A) investigates relevant facts and circumstances  
20               relating to the terrorist attacks of September 11, 2001,  
21               including any relevant legislation, Executive Order, reg-  
22               ulation, plan, policy, practice, or procedure; and

23               (B) may include relevant facts and circumstances  
24               relating to—

25                   (i) intelligence agencies;

26                   (ii) law enforcement agencies;

27                   (iii) diplomacy;

28                   (iv) immigration, nonimmigrant visas, and  
29               border control;

30                   (v) the flow of assets to terrorist organiza-  
31               tions;

32                   (vi) commercial aviation;

33                   (vii) the role of congressional oversight and re-  
34               source allocation; and

35                   (viii) other areas of the public and private sec-  
36               tors determined relevant by the Commission for its  
37               inquiry;

1 (2) identify, review, and evaluate the lessons learned  
2 from the terrorist attacks of September 11, 2001, regard-  
3 ing the structure, coordination, management policies, and  
4 procedures of the Federal Government, and, if appropriate,  
5 State and local governments and nongovernmental entities,  
6 relative to detecting, preventing, and responding to such  
7 terrorist attacks; and

8 (3) submit to the President and Congress such reports  
9 as are required by this title containing such findings, con-  
10 clusions, and recommendations as the Commission shall de-  
11 termine, including proposing organization, coordination,  
12 planning, management arrangements, procedures, rules,  
13 and regulations.

14 (b) RELATIONSHIP TO INTELLIGENCE COMMITTEES' IN-  
15 QUIRY.—When investigating facts and circumstances relating  
16 to the intelligence community, the Commission shall—

17 (1) first review the information compiled by, and the  
18 findings, conclusions, and recommendations of, the Joint  
19 Inquiry; and

20 (2) after that review pursue any appropriate area of  
21 inquiry if the Commission determines that—

22 (A) the Joint Inquiry had not investigated that  
23 area;

24 (B) the Joint Inquiry's investigation of that area  
25 had not been complete; or

26 (C) new information not reviewed by the Joint In-  
27 quiry had become available with respect to that area.

28 **SEC. 605. POWERS OF COMMISSION.**

29 (a) IN GENERAL.—

30 (1) HEARINGS AND EVIDENCE.—The Commission or,  
31 on the authority of the Commission, any subcommittee or  
32 member thereof, may, for the purpose of carrying out this  
33 title—

34 (A) hold such hearings and sit and act at such  
35 times and places, take such testimony, receive such evi-  
36 dence, administer such oaths; and

1 (B) subject to paragraph (2)(A), require, by sub-  
2 poena or otherwise, the attendance and testimony of  
3 such witnesses and the production of such books,  
4 records, correspondence, memoranda, papers, and docu-  
5 ments, as the Commission or such designated sub-  
6 committee or designated member may determine advis-  
7 able.

8 (2) SUBPOENAS.—

9 (A) ISSUANCE.—

10 (i) IN GENERAL.—A subpoena may be issued  
11 under this subsection only—

12 (I) by the agreement of the chairman and  
13 the vice chairman; or

14 (II) by the affirmative vote of 6 members  
15 of the Commission.

16 (ii) SIGNATURE.—Subject to clause (i), sub-  
17 poenas issued under this subsection may be issued  
18 under the signature of the chairman or any mem-  
19 ber designated by a majority of the Commission,  
20 and may be served by any person designated by the  
21 chairman or by a member designated by a majority  
22 of the Commission.

23 (B) ENFORCEMENT.—

24 (i) IN GENERAL.—In the case of contumacy or  
25 failure to obey a subpoena issued under subsection  
26 (a), the United States district court for the judicial  
27 district in which the subpoenaed person resides, is  
28 served, or may be found, or where the subpoena is  
29 returnable, may issue an order requiring such per-  
30 son to appear at any designated place to testify or  
31 to produce documentary or other evidence. Any  
32 failure to obey the order of the court may be pun-  
33 ished by the court as a contempt of that court.

34 (ii) ADDITIONAL ENFORCEMENT.—In the case  
35 of any failure of any witness to comply with any  
36 subpoena or to testify when summoned under au-  
37 thority of this section, the Commission may, by ma-

1 jority vote, certify a statement of fact constituting  
2 such failure to the appropriate United States attor-  
3 ney, who may bring the matter before the grand  
4 jury for its action, under the same statutory au-  
5 thority and procedures as if the United States at-  
6 torney had received a certification under sections  
7 102 through 104 of the Revised Statutes of the  
8 United States (2 U.S.C. 192 through 194).

9 (b) CONTRACTING.—The Commission may, to such extent  
10 and in such amounts as are provided in appropriation Acts,  
11 enter into contracts to enable the Commission to discharge its  
12 duties under this title.

13 (c) INFORMATION FROM FEDERAL AGENCIES.—

14 (1) IN GENERAL.—The Commission is authorized to  
15 secure directly from any executive department, bureau,  
16 agency, board, commission, office, independent establish-  
17 ment, or instrumentality of the Government, information,  
18 suggestions, estimates, and statistics for the purposes of  
19 this title. Each department, bureau, agency, board, com-  
20 mission, office, independent establishment, or instrumen-  
21 tality shall, to the extent authorized by law, furnish such  
22 information, suggestions, estimates, and statistics directly  
23 to the Commission, upon request made by the chairman,  
24 the chairman of any subcommittee created by a majority of  
25 the Commission, or any member designated by a majority  
26 of the Commission.

27 (2) RECEIPT, HANDLING, STORAGE, AND DISSEMINA-  
28 TION.—Information shall only be received, handled, stored,  
29 and disseminated by members of the Commission and its  
30 staff consistent with all applicable statutes, regulations,  
31 and Executive Orders.

32 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

33 (1) GENERAL SERVICES ADMINISTRATION.—The Ad-  
34 ministrator of General Services shall provide to the Com-  
35 mission on a reimbursable basis administrative support and  
36 other services for the performance of the Commission's  
37 functions.

1 (2) OTHER DEPARTMENTS AND AGENCIES.—In addi-  
2 tion to the assistance prescribed in paragraph (1), depart-  
3 ments and agencies of the United States may provide to  
4 the Commission such services, funds, facilities, staff, and  
5 other support services as they may determine advisable and  
6 as may be authorized by law.

7 (e) GIFTS.—The Commission may accept, use, and dispose  
8 of gifts or donations of services or property.

9 (f) POSTAL SERVICES.—The Commission may use the  
10 United States mails in the same manner and under the same  
11 conditions as departments and agencies of the United States.

12 **SEC. 606. NONAPPLICABILITY OF FEDERAL ADVISORY**  
13 **COMMITTEE ACT.**

14 (a) IN GENERAL.—The Federal Advisory Committee Act  
15 (5 U.S.C. App.) shall not apply to the Commission.

16 (b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VER-  
17 SIONS OF REPORTS.—The Commission shall—

18 (1) hold public hearings and meetings to the extent  
19 appropriate; and

20 (2) release public versions of the reports required  
21 under section 610 (a) and (b).

22 (c) PUBLIC HEARINGS.—Any public hearings of the Com-  
23 mission shall be conducted in a manner consistent with the pro-  
24 tection of information provided to or developed for or by the  
25 Commission as required by any applicable statute, regulation,  
26 or Executive Order.

27 **SEC. 607. STAFF OF COMMISSION.**

28 (a) IN GENERAL.—

29 (1) APPOINTMENT AND COMPENSATION.—The chair-  
30 man, in consultation with vice chairman, in accordance  
31 with rules agreed upon by the Commission, may appoint  
32 and fix the compensation of a staff director and such other  
33 personnel as may be necessary to enable the Commission  
34 to carry out its functions, without regard to the provisions  
35 of title 5, United States Code, governing appointments in  
36 the competitive service, and without regard to the provi-  
37 sions of chapter 51 and subchapter III of chapter 53 of

1 such title relating to classification and General Schedule  
2 pay rates, except that no rate of pay fixed under this sub-  
3 section may exceed the equivalent of that payable for a po-  
4 sition at level V of the Executive Schedule under section  
5 5316 of title 5, United States Code.

6 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

7 (A) IN GENERAL.—The executive director and any  
8 personnel of the Commission who are employees shall  
9 be employees under section 2105 of title 5, United  
10 States Code, for purposes of chapters 63, 81, 83, 84,  
11 85, 87, 89, and 90 of that title.

12 (B) MEMBERS OF COMMISSION.—Subparagraph

13 (A) shall not be construed to apply to members of the  
14 Commission.

15 (b) DETAILEES.—Any Federal Government employee may  
16 be detailed to the Commission without reimbursement from the  
17 Commission, and such detailee shall retain the rights, status,  
18 and privileges of his or her regular employment without inter-  
19 ruption.

20 (c) CONSULTANT SERVICES.—The Commission is author-  
21 ized to procure the services of experts and consultants in ac-  
22 cordance with section 3109 of title 5, United States Code, but  
23 at rates not to exceed the daily rate paid a person occupying  
24 a position at level IV of the Executive Schedule under section  
25 5315 of title 5, United States Code.

26 **SEC. 608. COMPENSATION AND TRAVEL EXPENSES.**

27 (a) COMPENSATION.—Each member of the Commission  
28 may be compensated at not to exceed the daily equivalent of  
29 the annual rate of basic pay in effect for a position at level IV  
30 of the Executive Schedule under section 5315 of title 5, United  
31 States Code, for each day during which that member is en-  
32 gaged in the actual performance of the duties of the Commis-  
33 sion.

34 (b) TRAVEL EXPENSES.—While away from their homes or  
35 regular places of business in the performance of services for the  
36 Commission, members of the Commission shall be allowed trav-  
37 el expenses, including per diem in lieu of subsistence, in the



1 same manner as persons employed intermittently in the Gov-  
2 ernment service are allowed expenses under section 5703(b) of  
3 title 5, United States Code.

4 **SEC. 609. SECURITY CLEARANCES FOR COMMISSION**  
5 **MEMBERS AND STAFF.**

6 The appropriate Federal agencies or departments shall co-  
7 operate with the Commission in expeditiously providing to the  
8 Commission members and staff appropriate security clearances  
9 to the extent possible pursuant to existing procedures and re-  
10 quirements, except that no person shall be provided with access  
11 to classified information under this title without the appro-  
12 priate security clearances.

13 **SEC. 610. REPORTS OF COMMISSION; TERMINATION.**

14 (a) INTERIM REPORTS.—The Commission may submit to  
15 the President and Congress interim reports containing such  
16 findings, conclusions, and recommendations for corrective  
17 measures as have been agreed to by a majority of Commission  
18 members.

19 (b) FINAL REPORT.—Not later than 18 months after the  
20 date of the enactment of this Act, the Commission shall submit  
21 to the President and Congress a final report containing such  
22 findings, conclusions, and recommendations for corrective  
23 measures as have been agreed to by a majority of Commission  
24 members.

25 (c) TERMINATION.—

26 (1) IN GENERAL.—The Commission, and all the au-  
27 thorities of this title, shall terminate 60 days after the date  
28 on which the final report is submitted under subsection (b).

29 (2) ADMINISTRATIVE ACTIVITIES BEFORE TERMI-  
30 NATION.—The Commission may use the 60-day period re-  
31 ferred to in paragraph (1) for the purpose of concluding its  
32 activities, including providing testimony to committees of  
33 Congress concerning its reports and disseminating the final  
34 report.

35 **SEC. 611. FUNDING.**

36 (a) TRANSFER FROM THE NATIONAL FOREIGN INTEL-  
37 LIGENCE PROGRAM.—Of the amounts authorized to be appro-

1    pried by this Act and made available in public law 107-248  
2    (Department of Defense Appropriations Act, 2003) for the Na-  
3    tional Foreign Intelligence Program, not to exceed \$3,000,000  
4    shall be available for transfer to the Commission for purposes  
5    of the activities of the Commission under this title.

6           (b) DURATION OF AVAILABILITY.—Amounts made avail-  
7    able to the Commission under subsection (a) shall remain avail-  
8    able until the termination of the Commission.

## 9                   **TITLE VII—INFORMATION** 10                   **SHARING**

### 11    **SEC. 701. SHORT TITLE.**

12           This title may be cited as the “Homeland Security Infor-  
13    mation Sharing Act”.

### 14    **SEC. 702. FINDINGS AND SENSE OF CONGRESS.**

15           (a) FINDINGS.—The Congress finds the following:

16               (1) The Federal Government is required by the Con-  
17    stitution to provide for the common defense, which includes  
18    defense against terrorist attacks.

19               (2) The Federal Government relies on State and local  
20    personnel to protect against terrorist attacks.

21               (3) The Federal Government collects, creates, man-  
22    ages, and protects classified and sensitive but unclassified  
23    information to enhance homeland security.

24               (4) Some homeland security information is needed by  
25    the State and local personnel to prevent and prepare for  
26    terrorist attacks.

27               (5) The needs of State and local personnel to have ac-  
28    cess to relevant homeland security information to combat  
29    terrorism must be reconciled with the need to preserve the  
30    protected status of such information and to protect the  
31    sources and methods used to acquire such information.

32               (6) Granting security clearances to certain State and  
33    local personnel is one way to facilitate the sharing of infor-  
34    mation regarding specific terrorist threats among Federal,  
35    State, and local levels of government.

1 (7) Methods exist to declassify, redact, or otherwise  
2 adapt classified information so it may be shared with State  
3 and local personnel without the need for granting addi-  
4 tional security clearances.

5 (8) State and local personnel have capabilities and op-  
6 portunities to gather information on suspicious activities  
7 and terrorist threats not possessed by Federal agencies.

8 (9) The Federal Government and State and local gov-  
9 ernments and agencies in other jurisdictions may benefit  
10 from such information.

11 (10) Federal, State, and local governments and intel-  
12 ligence, law enforcement, and other emergency preparation  
13 and response agencies must act in partnership to maximize  
14 the benefits of information gathering and analysis to pre-  
15 vent and respond to terrorist attacks.

16 (11) Information systems, including the National Law  
17 Enforcement Telecommunications System and the Terrorist  
18 Threat Warning System, have been established for rapid  
19 sharing of classified and sensitive but unclassified informa-  
20 tion among Federal, State, and local entities.

21 (12) Increased efforts to share homeland security in-  
22 formation should avoid duplicating existing information  
23 systems.

24 (b) SENSE OF CONGRESS.—It is the sense of Congress  
25 that Federal, State, and local entities should share homeland  
26 security information to the maximum extent practicable, with  
27 special emphasis on hard-to-reach urban and rural commu-  
28 nities.

29 **SEC. 703. FACILITATING HOMELAND SECURITY INFOR-**  
30 **MATION SHARING PROCEDURES.**

31 (a) PROCEDURES FOR DETERMINING EXTENT OF SHAR-  
32 ING OF HOMELAND SECURITY INFORMATION.—(1) The Presi-  
33 dent shall prescribe and implement procedures under which rel-  
34 evant Federal agencies determine—

35 (A) whether, how, and to what extent homeland secu-  
36 rity information may be shared with appropriate State and

1 local personnel, and with which such personnel it may be  
2 shared;

3 (B) how to identify and safeguard homeland security  
4 information that is sensitive but unclassified; and

5 (C) to the extent such information is in classified  
6 form, whether, how, and to what extent to remove classified  
7 information, as appropriate, and with which such personnel  
8 it may be shared after such information is removed.

9 (2) The President shall ensure that such procedures apply  
10 to all agencies of the Federal Government.

11 (3) Such procedures shall not change the substantive re-  
12 quirements for the classification and safeguarding of classified  
13 information.

14 (4) Such procedures shall not change the requirements  
15 and authorities to protect sources and methods.

16 (b) PROCEDURES FOR SHARING OF HOMELAND SECURITY  
17 INFORMATION.—(1) Under procedures prescribed by the Presi-  
18 dent, all appropriate agencies, including the intelligence com-  
19 munity, shall, through information sharing systems, share  
20 homeland security information with appropriate State and local  
21 personnel to the extent such information may be shared, as de-  
22 termined in accordance with subsection (a), together with as-  
23 sessments of the credibility of such information.

24 (2) Each information sharing system through which infor-  
25 mation is shared under paragraph (1) shall—

26 (A) have the capability to transmit unclassified or  
27 classified information, though the procedures and recipients  
28 for each capability may differ;

29 (B) have the capability to restrict delivery of informa-  
30 tion to specified subgroups by geographic location, type of  
31 organization, position of a recipient within an organization,  
32 or a recipient's need to know such information;

33 (C) be configured to allow the efficient and effective  
34 sharing of information; and

35 (D) be accessible to appropriate State and local per-  
36 sonnel.

1           (3) The procedures prescribed under paragraph (1) shall  
2     establish conditions on the use of information shared under  
3     paragraph (1)—

4           (A) to limit the redissemination of such information to  
5     ensure that such information is not used for an unauthor-  
6     ized purpose;

7           (B) to ensure the security and confidentiality of such  
8     information;

9           (C) to protect the constitutional and statutory rights  
10    of any individuals who are subjects of such information;  
11    and

12          (D) to provide data integrity through the timely re-  
13    moval and destruction of obsolete or erroneous names and  
14    information.

15          (4) The procedures prescribed under paragraph (1) shall  
16    ensure, to the greatest extent practicable, that the information  
17    sharing system through which information is shared under such  
18    paragraph include existing information sharing systems, includ-  
19    ing, but not limited to, the National Law Enforcement Tele-  
20    communications System, the Regional Information Sharing  
21    System, and the Terrorist Threat Warning System of the Fed-  
22    eral Bureau of Investigation.

23          (5) Each appropriate Federal agency, as determined by  
24    the President, shall have access to each information sharing  
25    system through which information is shared under paragraph  
26    (1), and shall therefore have access to all information, as ap-  
27    propriate, shared under such paragraph.

28          (6) The procedures prescribed under paragraph (1) shall  
29    ensure that appropriate State and local personnel are author-  
30    ized to use such information sharing systems—

31          (A) to access information shared with such personnel;  
32    and

33          (B) to share, with others who have access to such in-  
34    formation sharing systems, the homeland security informa-  
35    tion of their own jurisdictions, which shall be marked ap-  
36    propriately as pertaining to potential terrorist activity.

1           (7) Under procedures prescribed jointly by the Director of  
2     Central Intelligence and the Attorney General, each appropriate  
3     Federal agency, as determined by the President, shall review  
4     and assess the information shared under paragraph (6) and in-  
5     tegrate such information with existing intelligence.

6           (c) SHARING OF CLASSIFIED INFORMATION AND SEN-  
7     SITIVE BUT UNCLASSIFIED INFORMATION WITH STATE AND  
8     LOCAL PERSONNEL.—(1) The President shall prescribe proce-  
9     dures under which Federal agencies may, to the extent the  
10    President considers necessary, share with appropriate State  
11    and local personnel homeland security information that remains  
12    classified or otherwise protected after the determinations pre-  
13    scribed under the procedures set forth in subsection (a).

14          (2) It is the sense of Congress that such procedures may  
15    include one or more of the following means:

16           (A) Carrying out security clearance investigations with  
17    respect to appropriate State and local personnel.

18           (B) With respect to information that is sensitive but  
19    unclassified, entering into nondisclosure agreements with  
20    appropriate State and local personnel.

21           (C) Increased use of information-sharing partnerships  
22    that include appropriate State and local personnel, such as  
23    the Joint Terrorism Task Forces of the Federal Bureau of  
24    Investigation, the Anti-Terrorism Task Forces of the De-  
25    partment of Justice, and regional Terrorism Early Warning  
26    Groups.

27          (d) RESPONSIBLE OFFICIALS.—For each affected Federal  
28    agency, the head of such agency shall designate an official to  
29    administer this title with respect to such agency.

30          (e) FEDERAL CONTROL OF INFORMATION.—Under proce-  
31    dures prescribed under this section, information obtained by a  
32    State or local government from a Federal agency under this  
33    section shall remain under the control of the Federal agency,  
34    and a State or local law authorizing or requiring such a govern-  
35    ment to disclose information shall not apply to such informa-  
36    tion.

37          (f) DEFINITIONS.—As used in this section:

1           (1) The term "homeland security information" means  
2           any information (other than information that includes indi-  
3           vidually identifiable information collected solely for statis-  
4           tical purposes) possessed by a Federal, State, or local agen-  
5           cy that—

6                   (A) relates to the threat of terrorist activity;

7                   (B) relates to the ability to prevent, interdict, or  
8           disrupt terrorist activity;

9                   (C) would improve the identification or investiga-  
10          tion of a suspected terrorist or terrorist organization;  
11          or

12                  (D) would improve the response to a terrorist act.

13          (2) The term "intelligence community" has the mean-  
14          ing given such term in section 3(4) of the National Secu-  
15          rity Act of 1947 (50 U.S.C. 401a(4)).

16          (3) The term "State and local personnel" means any  
17          of the following persons involved in prevention, preparation,  
18          or response for terrorist attacks:

19                  (A) State Governors, mayors, and other locally  
20          elected officials.

21                  (B) State and local law enforcement personnel and  
22          firefighters.

23                  (C) Public health and medical professionals.

24                  (D) Regional, State, and local emergency manage-  
25          ment agency personnel, including State adjutant gen-  
26          erals.

27                  (E) Other appropriate emergency response agency  
28          personnel.

29                  (F) Employees of private sector entities that affect  
30          critical infrastructure, cyber, economic, or public health  
31          security, as designated by the Federal Government in  
32          procedures developed pursuant to this section.

33          (4) The term "State" includes the District of Colum-  
34          bia and any commonwealth, territory, or possession of the  
35          United States.

1    **SEC. 704. REPORT.**

2           (a) **REPORT REQUIRED.**—Not later than 12 months after  
3   the date of the enactment of this Act, the President shall sub-  
4   mit to the congressional committees specified in subsection (b)  
5   a report on the implementation of section 703. The report shall  
6   include any recommendations for additional measures or appro-  
7   priation requests, beyond the requirements of section 703, to  
8   increase the effectiveness of sharing of information between  
9   and among Federal, State, and local entities.

10          (b) **SPECIFIED CONGRESSIONAL COMMITTEES.**—The con-  
11   gressional committees referred to in subsection (a) are the fol-  
12   lowing committees:

13           (1) The Permanent Select Committee on Intelligence  
14       and the Committee on the Judiciary of the House of Rep-  
15       resentatives.

16           (2) The Select Committee on Intelligence and the  
17       Committee on the Judiciary of the Senate.

18   **SEC. 705. AUTHORIZATION OF APPROPRIATIONS.**

19           There is authorized to be appropriated such sums as may  
20   be necessary to carry out section 703.

21   **SEC. 706. COORDINATION PROVISION.**

22           (a) **PRIOR ENACTMENT.**—If this Act is enacted before the  
23   Homeland Security Act of 2002, then upon the date of the en-  
24   actment of the Homeland Security Act of 2002, this title shall  
25   be deemed for all purposes not to have taken effect and shall  
26   cease to be in effect.

27           (b) **SUBSEQUENT ENACTMENT.**—If the Homeland Secu-  
28   rity Act of 2002 is enacted before this Act, then this title shall  
29   not take effect.

30                   **TITLE VIII—REPORTING**  
31                   **REQUIREMENTS**  
32                   **Subtitle A—Overdue Reports**

33   **SEC. 801. DEADLINE FOR SUBMITTAL OF VARIOUS**  
34       **OVERDUE REPORTS.**

35           (a) **DEADLINE.**—The reports described in subsection (c)  
36   shall be submitted to Congress not later than 180 days after  
37   the date of the enactment of this Act.



1 (b) NONCOMPLIANCE.—(1) If all the reports described in  
2 subsection (c) are not submitted to Congress by the date speci-  
3 fied in subsection (a), amounts available to be obligated or ex-  
4 pended after that date to carry out the functions or duties of  
5 the Office of the Director of Central Intelligence shall be re-  
6 duced by  $\frac{1}{3}$ .

7 (2) The reduction applicable under paragraph (1) shall not  
8 apply if the Director of Central Intelligence certifies to Con-  
9 gress by the date referred to in subsection (a) that all reports  
10 referred to in subsection (c) have been submitted to Congress.

11 (c) REPORTS DESCRIBED.—The reports referred to in sub-  
12 section (a) are reports mandated by law for which the Director  
13 of Central Intelligence has sole or primary responsibility to pre-  
14 pare, coordinate, and submit to Congress which, as of the date  
15 of the enactment of this Act, have not been submitted to Con-  
16 gress.

## 17 **Subtitle B—Submittal of Reports to** 18 **Intelligence Committees**

### 19 **SEC. 811. DATES FOR SUBMITTAL OF VARIOUS ANNUAL** 20 **AND SEMIANNUAL REPORTS TO THE CON-** 21 **GRESSIONAL INTELLIGENCE COMMITTEES.**

22 (a) IN GENERAL.—(1) Title V of the National Security  
23 Act of 1947 (50 U.S.C. 413 et seq.), as amended by section  
24 311 of this Act, is further amended by adding at the end the  
25 following new section:

26 “DATES FOR SUBMITTAL OF VARIOUS ANNUAL AND SEMI-  
27 ANNUAL REPORTS TO THE CONGRESSIONAL INTELLIGENCE  
28 COMMITTEES

29 “SEC. 507. (a) ANNUAL REPORTS.—(1) The date for the  
30 submittal to the congressional intelligence committees of the  
31 following annual reports shall be the date each year provided  
32 in subsection (c)(1)(A):

33 “(A) The annual evaluation of the performance and  
34 responsiveness of certain elements of the intelligence com-  
35 munity required by section 105(d).

36 “(B) The annual report on intelligence required by  
37 section 109.

1           “(C) The annual report on intelligence community co-  
2 operation with Federal law enforcement agencies required  
3 by section 114(a)(2).

4           “(D) The annual report on the protection of the iden-  
5 tities of covert agents required by section 603.

6           “(E) The annual report of the Inspectors General of  
7 the intelligence community on proposed resources and ac-  
8 tivities of their offices required by section 8H(g) of the In-  
9 spector General Act of 1978.

10           “(F) The annual report on commercial activities as se-  
11 curity for intelligence collection required by section 437(c)  
12 of title 10, United States Code.

13           “(G) The annual report on expenditures for  
14 postemployment assistance for terminated intelligence em-  
15 ployees required by section 1611(e)(2) of title 10, United  
16 States Code.

17           “(H) The annual update on foreign industrial espio-  
18 nage required by section 809(b) of the Counterintelligence  
19 and Security Enhancements Act of 1994 (title VIII of Pub-  
20 lic Law 103-359; 50 U.S.C. App. 2170b(b)).

21           “(I) The annual report on coordination of counter-  
22 intelligence matters with the Federal Bureau of Investiga-  
23 tion required by section 811(c)(6) of the Counterintel-  
24 ligence and Security Enhancements Act of 1994 (50 U.S.C.  
25 402a(c)(6)).

26           “(J) The annual report on foreign companies involved  
27 in the proliferation of weapons of mass destruction that  
28 raise funds in the United States capital markets required  
29 by section 827 of the Intelligence Authorization Act for  
30 Fiscal Year 2003.

31           “(K) The annual report on certifications for immunity  
32 in interdiction of aircraft engaged in illicit drug trafficking  
33 required by section 1012(c)(2) of the National Defense Au-  
34 thorization Act for Fiscal Year 1995 (22 U.S.C. 2291-  
35 4(c)(2)).

36           “(L) The annual report on exceptions to consumer dis-  
37 closure requirements for national security investigations

1 under section 604(b)(4)(E) of the Fair Credit Reporting  
2 Act (15 U.S.C. 1681b(b)(4)(E)).

3 “(M) The annual report on activities under the David  
4 L. Boren National Security Education Act of 1991 (title  
5 VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.) re-  
6 quired by section 806(a) of that Act (50 U.S.C. 1906(a)).

7 “(N) The annual report on hiring and retention of mi-  
8 nority employees in the intelligence community required by  
9 section 114(c).

10 “(2) The date for the submittal to the congressional intel-  
11 ligence committees of the following annual reports shall be the  
12 date each year provided in subsection (c)(1)(B):

13 “(A) The annual report on the safety and security of  
14 Russian nuclear facilities and nuclear military forces re-  
15 quired by section 114(b).

16 “(B) The annual report on the threat of attack on the  
17 United States from weapons of mass destruction required  
18 by section 114(d).

19 “(C) The annual report on covert leases required by  
20 section 114(e).

21 “(D) The annual report on improvements of the finan-  
22 cial statements of the intelligence community for auditing  
23 purposes required by section 114A.

24 “(E) The annual report on activities of personnel of  
25 the Federal Bureau of Investigation outside the United  
26 States required by section 540C(c)(2) of title 28, United  
27 States Code.

28 “(F) The annual report on intelligence activities of the  
29 People’s Republic of China required by section 308(c) of  
30 the Intelligence Authorization Act for Fiscal Year 1998  
31 (Public Law 105–107; 50 U.S.C. 402a note).

32 “(G) The annual report on counterdrug intelligence  
33 matters required by section 826 of the Intelligence Author-  
34 ization Act for Fiscal Year 2003.

35 “(b) SEMIANNUAL REPORTS.—The dates for the submittal  
36 to the congressional intelligence committees of the following

1    semiannual reports shall be the dates each year provided in  
2    subsection (c)(2):

3           “(1) The periodic reports on intelligence provided to  
4           the United Nations required by section 112(b).

5           “(2) The semiannual reports on the Office of the In-  
6           specter General of the Central Intelligence Agency required  
7           by section 17(d)(1) of the Central Intelligence Agency Act  
8           of 1949 (50 U.S.C. 403q(d)(1)).

9           “(3) The semiannual reports on decisions not to pros-  
10          ecute certain violations of law under the Classified Infor-  
11          mation Procedures Act (18 U.S.C. App.) as required by  
12          section 13 of that Act.

13          “(4) The semiannual reports on the acquisition of  
14          technology relating to weapons of mass destruction and ad-  
15          vanced conventional munitions required by section 721(b)  
16          of the Combatting Proliferation of Weapons of Mass De-  
17          struction Act of 1996 (title VII of Public Law 104-293; 50  
18          U.S.C. 2366(b)).

19          “(5) The semiannual reports on the activities of the  
20          Diplomatic Telecommunications Service Program Office  
21          (DTS-PO) required by section 322(a)(6)(D)(ii) of the In-  
22          telligence Authorization Act for Fiscal Year 2001 (22  
23          U.S.C. 7302(a)(6)(D)(ii)).

24          “(6) The semiannual reports on the disclosure of in-  
25          formation and consumer reports to the Federal Bureau of  
26          Investigation for counterintelligence purposes required by  
27          section 624(h)(2) of the Fair Credit Reporting Act (15  
28          U.S.C. 1681n(h)(2)).

29          “(7) The semiannual provision of information on re-  
30          quests for financial information for foreign counterintel-  
31          ligence purposes required by section 1114(a)(5)(C) of the  
32          Right to Financial Privacy Act of 1978 (12 U.S.C.  
33          3414(a)(5)(C)).

34          “(8) The semiannual report on financial intelligence  
35          on terrorist assets required by section 118.

1       “(c) SUBMITTAL DATES FOR REPORTS.—(1)(A) Except as  
2       provided in subsection (d), each annual report listed in sub-  
3       section (a)(1) shall be submitted not later than February 1.

4       “(B) Except as provided in subsection (d), each annual re-  
5       port listed in subsection (a)(2) shall be submitted not later  
6       than December 1.

7       “(2) Except as provided in subsection (d), each semi-  
8       annual report listed in subsection (b) shall be submitted not  
9       later than February 1 and August 1.

10       “(d) POSTPONEMENT OF SUBMITTAL.—(1) Subject to  
11       paragraph (3), the date for the submittal of—

12       “(A) an annual report listed in subsection (a)(1) may  
13       be postponed until March 1;

14       “(B) an annual report listed in subsection (a)(2) may  
15       be postponed until January 1; and

16       “(C) a semiannual report listed in subsection (b) may  
17       be postponed until March 1 or September 1, as the case  
18       may be,

19       if the official required to submit such report submits to the  
20       congressional intelligence committees a written notification of  
21       such postponement.

22       “(2)(A) Notwithstanding any other provision of law and  
23       subject to paragraph (3), the date for the submittal to the con-  
24       gressional intelligence committees of any report described in  
25       subparagraph (B) may be postponed by not more than 30 days  
26       from the date otherwise specified in the provision of law for the  
27       submittal of such report if the official required to submit such  
28       report submits to the congressional intelligence committees a  
29       written notification of such postponement.

30       “(B) A report described in this subparagraph is any report  
31       on intelligence or intelligence-related activities of the United  
32       States Government that is submitted under a provision of law  
33       requiring the submittal of only a single report.

34       “(3)(A) The date for the submittal of a report whose sub-  
35       mittal is postponed under paragraph (1) or (2) may be post-  
36       poned beyond the time provided for the submittal of such re-  
37       port under such paragraph if the official required to submit

1 such report submits to the congressional intelligence commit-  
2 tees a written certification that preparation and submittal of  
3 such report at such time will impede the work of officers or em-  
4 ployees of the intelligence community in a manner that will be  
5 detrimental to the national security of the United States.

6 “(B) A certification with respect to a report under sub-  
7 paragraph (A) shall include a proposed submittal date for such  
8 report, and such report shall be submitted not later than that  
9 date.”.

10 (2) The table of sections for the National Security Act of  
11 1947, as amended by section 311 of this Act, is further amend-  
12 ed by inserting after the item relating to section 506 the fol-  
13 lowing new item:

“Sec. 507. Dates for submittal of various annual and semiannual reports  
to the congressional intelligence committees.”.

14 (b) CONFORMING AMENDMENTS TO EXISTING REPORTING  
15 REQUIREMENTS.—

16 (1) NATIONAL SECURITY ACT OF 1947.—(A) Sub-  
17 section (d) of section 105 of the National Security Act of  
18 1947 (50 U.S.C. 403-5) is amended to read as follows:

19 “(d) ANNUAL EVALUATION OF PERFORMANCE AND RE-  
20 SPONSIVENESS OF CERTAIN ELEMENTS OF INTELLIGENCE  
21 COMMUNITY.—(1) Not later each year than the date provided  
22 in section 507, the Director shall submit to the congressional  
23 intelligence committees the evaluation described in paragraph  
24 (3).

25 “(2) The Director shall submit each year to the Com-  
26 mittee on Foreign Intelligence of the National Security Council,  
27 and to the Committees on Armed Services and Appropriations  
28 of the Senate and House of Representatives, the evaluation de-  
29 scribed in paragraph (3).

30 “(3) An evaluation described in this paragraph is an eval-  
31 uation of the performance and responsiveness of the National  
32 Security Agency, the National Reconnaissance Office, and the  
33 National Imagery and Mapping Agency in meeting their respec-  
34 tive national missions.

1       “(4) The Director shall submit each evaluation under this  
2 subsection in consultation with the Secretary of Defense and  
3 the Chairman of the Joint Chiefs of Staff.”.

4       (B) Section 109 of that Act (50 U.S.C. 404d) is  
5 amended—

6           (i) in subsection (a), by striking paragraph (1)  
7 and inserting the following new paragraph (1):

8       “(1)(A) Not later each year than the date provided in sec-  
9 tion 507, the President shall submit to the congressional intel-  
10 ligence committees a report on the requirements of the United  
11 States for intelligence and the activities of the intelligence com-  
12 munity.

13       “(B) Not later than January 31 each year, and included  
14 with the budget of the President for the next fiscal year under  
15 section 1105(a) of title 31, United States Code, the President  
16 shall submit to the appropriate congressional committees the  
17 report described in subparagraph (A).”;

18           (ii) in subsection (c), as amended by section  
19 803(a) of the Intelligence Renewal and Reform Act of  
20 1996 (title VIII of Public Law 104-293; 110 Stat.  
21 3475)—

22           (I) in paragraph (1), by striking “The Select  
23 Committee on Intelligence, the Committee on Ap-  
24 propriations,” and inserting “The Committee on  
25 Appropriations”; and

26           (II) in paragraph (2), by striking “The Per-  
27 manent Select Committee on Intelligence, the Com-  
28 mittee on Appropriations,” and inserting “The  
29 Committee on Appropriations”; and

30           (iii) by striking subsection (c), as added by section  
31 304(a) of the Intelligence Authorization Act for Fiscal  
32 Year 1994 (Public Law 103-178; 107 Stat. 2034).

33       (C) Section 112(b) of that Act (50 U.S.C. 404g(b)) is  
34 amended by adding at the end the following new para-  
35 graph:

36       “(3) In the case of periodic reports required to be sub-  
37 mitted under the first sentence of paragraph (1) to the con-

1 gressional intelligence committees, the submittal dates for such  
2 reports shall be as provided in section 507.”.

3 (D) Section 114 of that Act (50 U.S.C. 404i) is  
4 amended—

5 (i) in subsection (a)—

6 (I) in paragraph (1), by striking “the congressional  
7 intelligence committees and”;

8 (II) by redesignating paragraphs (2) and (3)  
9 as paragraphs (3) and (4), respectively; and

10 (III) by inserting after paragraph (1) the following new paragraph (2):

12 “(2) Not later each year than the date provided in section  
13 507, the Director shall submit to the congressional intelligence  
14 committees the report required to be submitted under paragraph  
15 (1) during the preceding year.”; and

16 (ii) in subsection (b)(1), by striking “, on an annual  
17 basis” and all that follows through “leadership”  
18 and inserting “submit to the congressional leadership  
19 on an annual basis, and to the congressional intelligence  
20 committees on the date each year provided in  
21 section 507.”.

22 (E) Section 603 of that Act (50 U.S.C. 423) is  
23 amended—

24 (i) in subsection (a), by adding at the end the following new sentence: “The date for the submittal of the  
25 report shall be the date provided in section 507.”; and

26 (ii) in subsection (b), by striking the second sentence.

27 (2) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—  
28 Section 17(d)(1) of the Central Intelligence Agency Act of  
29 1949 (50 U.S.C. 403q(d)(1)) is amended in the second sentence by striking “Within thirty days of receipt of such reports,” and inserting “Not later than the dates each year  
30 provided for the transmittal of such reports in section 507  
31 of the National Security Act of 1947.”.  
32  
33  
34  
35



1 (3) CLASSIFIED INFORMATION PROCEDURES ACT.—  
2 Section 13 of the Classified Information Procedures Act  
3 (18 U.S.C. App.) is amended—

4 (A) by redesignating subsection (b) as subsection  
5 (c); and

6 (B) by inserting after subsection (a) the following  
7 new subsection (b):

8 “(b) In the case of the semiannual reports (whether oral  
9 or written) required to be submitted under subsection (a) to the  
10 Permanent Select Committee on Intelligence of the House of  
11 Representatives and the Select Committee on Intelligence of the  
12 Senate, the submittal dates for such reports shall be as pro-  
13 vided in section 507 of the National Security Act of 1947.”.

14 (4) TITLE 10, UNITED STATES CODE.—(A) Section  
15 437 of title 10, United States Code, is amended—

16 (i) in subsection (c), by striking “Not later than”  
17 and all that follows through “of Congress” and insert-  
18 ing “Not later each year than the date provided in sec-  
19 tion 507 of the National Security Act of 1947, the Sec-  
20 retary shall submit to the congressional intelligence  
21 committees (as defined in section 3 of that Act (50  
22 U.S.C. 401a))”; and

23 (ii) by striking subsection (d).

24 (B) Section 1611(e) of that title is amended—

25 (i) in paragraph (1), by striking “paragraph (2)”  
26 and inserting “paragraph (3)”; and

27 (ii) by redesignating paragraph (2) as paragraph  
28 (3); and

29 (iii) by inserting after paragraph (1) the following  
30 new paragraph (2):

31 “(2) In the case of a report required to be submitted  
32 under paragraph (1) to the Select Committee on Intelligence of  
33 the Senate and the Permanent Select Committee on Intel-  
34 ligence of the House of Representatives, the date for the sub-  
35 mittal of such report shall be as provided in section 507 of the  
36 National Security Act of 1947.”.

1 (5) INTELLIGENCE AUTHORIZATION ACTS.—(A) Sec-  
2 tion 809 of the Counterintelligence and Security Enhance-  
3 ments Act of 1994 (title VIII of Public Law 103-359; 108  
4 Stat. 3454; 50 U.S.C. App. 2170b) is amended by striking  
5 subsection (b) and inserting the following new subsection  
6 (b):

7 “(b) ANNUAL UPDATE.—

8 “(1) SUBMITTAL TO CONGRESSIONAL INTELLIGENCE  
9 COMMITTEES.—Not later each year than the date provided  
10 in section 507 of the National Security Act of 1947, the  
11 President shall submit to the congressional intelligence  
12 committees a report updating the information referred to  
13 in subsection (a)(1)(D).

14 “(2) SUBMITTAL TO CONGRESSIONAL LEADERSHIP.—  
15 Not later than April 14 each year, the President shall sub-  
16 mit to the congressional leadership a report updating the  
17 information referred to in subsection (a)(1)(D).

18 “(3) DEFINITIONS.—In this subsection:

19 “(A) CONGRESSIONAL INTELLIGENCE COMMIT-  
20 TEES.—The term ‘congressional intelligence commit-  
21 tees’ has the meaning given that term in section 3 of  
22 the National Security Act of 1947 (50 U.S.C. 401a).

23 “(B) CONGRESSIONAL LEADERSHIP.—The term  
24 ‘congressional leadership’ means the Speaker and the  
25 minority leader of the House of Representatives and  
26 the majority leader and the minority leader of the Sen-  
27 ate.”.

28 (B) Paragraph (6) of section 811(e) of that Act (50  
29 U.S.C. 402a(e)) is amended to read as follows:

30 “(6)(A) Not later each year than the date provided in sec-  
31 tion 507 of the National Security Act of 1947, the Director of  
32 the Federal Bureau of Investigation shall submit to the con-  
33 gressional intelligence committees (as defined in section 3 of  
34 that Act (50 U.S.C. 401a)) a report with respect to compliance  
35 with paragraphs (1) and (2) during the previous calendar year.

36 “(B) Not later than February 1 each year, the Director  
37 shall, in accordance with applicable security procedures, submit

1 to the Committees on the Judiciary of the Senate and House  
2 of Representatives a report with respect to compliance with  
3 paragraphs (1) and (2) during the previous calendar year.

4 “(C) The Director of the Federal Bureau of Investigation  
5 shall submit each report under this paragraph in consultation  
6 with the Director of Central Intelligence and the Secretary of  
7 Defense.”.

8 (C) Section 721 of the Combatting Proliferation of  
9 Weapons of Mass Destruction Act of 1996 (title VII of  
10 Public Law 104-293; 110 Stat. 3474; 50 U.S.C. 2366) is  
11 amended—

12 (i) in subsection (a), by striking “Not later than”  
13 and all that follows through “the Director” and insert-  
14 ing “The Director”;

15 (ii) by redesignating subsection (b) as subsection  
16 (c);

17 (iii) by inserting after subsection (a) the following  
18 new subsection (b):

19 “(b) SUBMITTAL DATES.—(1) The report required by sub-  
20 section (a) shall be submitted each year to the congressional in-  
21 telligence committees and the congressional leadership on a  
22 semiannual basis on the dates provided in section 507 of the  
23 National Security Act of 1947.

24 “(2) In this subsection:

25 “(A) The term ‘congressional intelligence committees’  
26 has the meaning given that term in section 3 of the Na-  
27 tional Security Act of 1947 (50 U.S.C. 401a).

28 “(B) The term ‘congressional leadership’ means the  
29 Speaker and the minority leader of the House of Rep-  
30 resentatives and the majority leader and the minority lead-  
31 er of the Senate.”; and

32 (iv) in subsection (c), as so redesignated, by strik-  
33 ing “The reports” and inserting “Each report”.

34 (D) Section 308 of the Intelligence Authorization Act  
35 for Fiscal Year 1998 (Public Law 105-107; 111 Stat.  
36 2253; 50 U.S.C. 402a note) is amended—

37 (i) in subsection (a)—

(I) by striking "Not later than" and all that follows through "the Director of Central Intelligence" and inserting "The Director of Central Intelligence"; and

(II) by inserting "on an annual basis" after "to Congress"; and

(ii) by adding at the end the end the following new subsection (c):

"(c) SUBMITTAL DATE OF REPORT TO LEADERSHIP OF CONGRESSIONAL INTELLIGENCE COMMITTEES.—The date each year for the submittal to the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives and the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate of the report required by subsection (a) shall be the date provided in section 507 of the National Security Act of 1947."

(E) Section 322(a)(6)(D) of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106-567; 114 Stat. 2844; 22 U.S.C. 7302(a)(6)(D)) is amended—

(i) in clause (i), by striking "Beginning on" and inserting "Except as provided in clause (ii), beginning on";

(ii) by redesignating clause (ii) as clause (iii);

(iii) by inserting after clause (i) the following new clause (ii):

"(ii) SUBMITTAL DATE OF REPORTS TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—In the case of reports required to be submitted under clause (i) to the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), the submittal dates for such reports shall be as provided in section 507 of that Act."; and

(iv) in clause (iii), as so redesignated, by striking "report" and inserting "reports".

(6) PUBLIC LAW 103-337.—Section 1012(c) of the National Defense Authorization Act for Fiscal Year 1995 (22 U.S.C. 2291-4(c)) is amended—

(A) in paragraph (1), by striking “Not later than” and inserting “Except as provided in paragraph (2), not later than”;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph (2):

“(2) In the case of a report required to be submitted under paragraph (1) to the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), the submittal date for such report shall be as provided in section 507 of that Act.”.

(7) DAVID L. BOREN NATIONAL SECURITY EDUCATION ACT OF 1991.—The David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102-183; 50 U.S.C. 1901 et seq.) is amended—

(A) in section 806(a) (50 U.S.C. 1906(a))—

(i) by inserting “(1)” before “The Secretary”;

(ii) in paragraph (1), as so designated, by striking “the Congress” and inserting “the congressional intelligence committees”;

(iii) by designating the second sentence as paragraph (2) and by aligning such paragraph with the paragraph added by clause (v);

(iv) in paragraph (2), as so designated, by inserting “submitted to the President” after “The report”; and

(v) by adding at the end the following new paragraph (3):

“(3) The report submitted to the congressional intelligence committees shall be submitted on the date provided in section 507 of the National Security Act of 1947.”; and

(B) in section 808 (50 U.S.C. 1908), by adding at the end the following new paragraph (5):

1           “(5) The term ‘congressional intelligence committees’  
2 means—

3           “(A) the Select Committee on Intelligence of the  
4 Senate; and

5           “(B) the Permanent Select Committee on Intel-  
6 ligence of the House of Representatives.”.

7           (8) FAIR CREDIT REPORTING ACT.—(A) Section  
8 604(b)(4) of the Fair Credit Reporting Act (15 U.S.C.  
9 1681b(b)(4)) is amended—

10           (i) in subparagraph (D), by striking “Not later  
11 than” and inserting “Except as provided in subpara-  
12 graph (E), not later than”;

13           (ii) by redesignating subparagraph (E) as sub-  
14 paragraph (F); and

15           (iii) by inserting after subparagraph (D) the fol-  
16 lowing new subparagraph (E):

17           “(E) REPORTS TO CONGRESSIONAL INTELLIGENCE  
18 COMMITTEES.—In the case of a report to be submitted  
19 under subparagraph (D) to the congressional intel-  
20 ligence committees (as defined in section 3 of the Na-  
21 tional Security Act of 1947 (50 U.S.C. 401a)), the sub-  
22 mittal date for such report shall be as provided in sec-  
23 tion 507 of that Act.”.

24           (B) Section 625(h) of that Act (15 U.S.C. 1681u(h))  
25 is amended—

26           (i) by inserting “(1)” before “On a semiannual  
27 basis,”; and

28           (ii) by adding at the end the following new para-  
29 graph:

30           “(2) In the case of the semiannual reports required to be  
31 submitted under paragraph (1) to the Permanent Select Com-  
32 mittee on Intelligence of the House of Representatives and the  
33 Select Committee on Intelligence of the Senate, the submittal  
34 dates for such reports shall be as provided in section 507 of  
35 the National Security Act of 1947.”.

36           (9) RIGHT TO FINANCIAL PRIVACY ACT OF 1978.—Sec-  
37 tion 1114(a)(5)(C) of the Right to Financial Privacy Act

1 of 1978 (12 U.S.C. 3414(a)(5)(C)) is amended by striking  
2 “On a semiannual” and all that follows through “the Sen-  
3 ate” and inserting “On the dates provided in section 507  
4 of the National Security Act of 1947, the Attorney General  
5 shall fully inform the congressional intelligence committees  
6 (as defined in section 3 of that Act (50 U.S.C. 401a))”.

## 7 Subtitle C—Recurring Annual 8 Reports

### 9 SEC. 821. ANNUAL REPORT ON THREAT OF ATTACK ON 10 THE UNITED STATES USING WEAPONS OF 11 MASS DESTRUCTION.

12 Section 114 of the National Security Act of 1947, as  
13 amended by section 353(b)(6) of this Act, is further  
14 amended—

15 (1) by redesignating subsection (d) as subsection (e);  
16 and

17 (2) by inserting after subsection (e) the following new  
18 subsection (d):

19 “(d) ANNUAL REPORT ON THREAT OF ATTACK ON THE  
20 UNITED STATES USING WEAPONS OF MASS DESTRUCTION.—

21 (1) Not later each year than the date provided in section 507,  
22 the Director shall submit to the congressional committees speci-  
23 fied in paragraph (3) a report assessing the following:

24 “(A) The current threat of attack on the United  
25 States using ballistic missiles or cruise missiles.

26 “(B) The current threat of attack on the United  
27 States using a chemical, biological, or nuclear weapon deliv-  
28 ered by a system other than a ballistic missile or cruise  
29 missile.

30 “(2) Each report under paragraph (1) shall be a national  
31 intelligence estimate, or have the formality of a national intel-  
32 ligence estimate.

33 “(3) The congressional committees referred to in para-  
34 graph (1) are the following:

35 “(A) The congressional intelligence committees.

36 “(B) The Committees on Foreign Relations and  
37 Armed Services of the Senate.

1           “(C) The Committees on International Relations and  
2           Armed Services of the House of Representatives.”.

3       **SEC. 822. ANNUAL REPORT ON COVERT LEASES.**

4           Section 114 of the National Security Act of 1947, as  
5       amended by section 821 of this Act, is further amended—

6           (1) by redesignating subsection (e) as subsection (f);  
7           and

8           (2) by inserting after subsection (d) the following new  
9       subsection (e):

10          “(e) ANNUAL REPORT ON COVERT LEASES.—(1) Not  
11       later each year than the date provided in section 507, the Di-  
12       rector shall submit to the congressional intelligence committees  
13       a report on each covert lease of an element of the intelligence  
14       community that is in force as of the end of the preceding year.

15          “(2) Each report under paragraph (1) shall include the  
16       following:

17           “(A) A list of each lease described by that paragraph.

18           “(B) For each lease—

19               “(i) the cost of such lease;

20               “(ii) the duration of such lease;

21               “(iii) the purpose of such lease; and

22               “(iv) the directorate or office that controls such  
23       lease.”.

24       **SEC. 823. ANNUAL REPORT ON IMPROVEMENT OF FI-**  
25       **NANCIAL STATEMENTS OF CERTAIN ELE-**  
26       **MENTS OF THE INTELLIGENCE COMMUNITY**  
27       **FOR AUDITING PURPOSES.**

28          (a) IN GENERAL.—Title I of the National Security Act of  
29       1947 (50 U.S.C. 402 et seq.) is amended by inserting after sec-  
30       tion 114 the following new section:

31           “ANNUAL REPORT ON IMPROVEMENT OF FINANCIAL  
32           STATEMENTS FOR AUDITING PURPOSES

33           “SEC. 114A. Not later each year than the date provided  
34       in section 507, the Director of Central Intelligence, the Direc-  
35       tor of the National Security Agency, the Director of the De-  
36       fense Intelligence Agency, and the Director of the National Im-  
37       agery and Mapping Agency shall each submit to the congress-  
38       sional intelligence committees a report describing the activities



1 being undertaken by such official to ensure that the financial  
2 statements of such agency can be audited in accordance with  
3 applicable law and requirements of the Office of Management  
4 and Budget.”.

5 (b) CLERICAL AMENDMENT.—The table of sections for the  
6 National Security Act of 1947 is amended by inserting after  
7 the item relating to section 114 the following new item:

“Sec. 114A. Annual report on improvement of financial statements for au-  
diting purposes.”.

8 **SEC. 824. ANNUAL REPORT ON ACTIVITIES OF FEDERAL**  
9 **BUREAU OF INVESTIGATION PERSONNEL**  
10 **OUTSIDE THE UNITED STATES.**

11 (a) ANNUAL REPORT.—Chapter 33 of title 28, United  
12 States Code, is amended by adding at the end the following  
13 new section:

14 **“§ 540C. Annual report on activities of Federal Bu-**  
15 **reau of Investigation personnel outside**  
16 **the United States**

17 “(a) The Director of the Federal Bureau of Investigation  
18 shall submit to the appropriate committees of Congress each  
19 year a report on the activities of personnel of the Federal Bu-  
20 reau of Investigation outside the United States.

21 “(b) The report under subsection (a) shall include the fol-  
22 lowing:

23 “(1) For the year preceding the year in which the re-  
24 port is required to be submitted—

25 “(A) the number of personnel of the Bureau post-  
26 ed or detailed outside the United States during the  
27 year;

28 “(B) a description of the coordination of the inves-  
29 tigations, asset handling, liaison, and operational activi-  
30 ties of the Bureau during the year with other elements  
31 of the intelligence community; and

32 “(C) a description of the extent to which informa-  
33 tion derived from activities described in subparagraph  
34 (B) was shared with other elements of the intelligence  
35 community.

1           “(2) For the year in which the report is required to  
2       be submitted—

3           “(A) a description of the plans, if any, of the  
4       Director—

5           “(i) to modify the number of personnel of the  
6       Bureau posted or detailed outside the United  
7       States; or

8           “(ii) to modify the scope of the activities of  
9       personnel of the Bureau posted or detailed outside  
10      the United States; and

11          “(B) a description of the manner and extent to  
12      which information derived from activities of the Bureau  
13      described in paragraph (1)(B) during the year will be  
14      shared with other elements of the intelligence commu-  
15      nity.

16          “(c) The date of the submittal each year of the report re-  
17      quired by subsection (a) shall be the date provided in section  
18      507 of the National Security Act of 1947.

19          “(d) In this section, the term ‘appropriate committees of  
20      Congress’ means—

21           “(1) the Committees on the Judiciary of the Senate  
22      and House of Representatives; and

23           “(2) the congressional intelligence committees (as de-  
24      fined in section 3 of the National Security Act of 1947 (50  
25      U.S.C. 401a)).”.

26          (b) CLERICAL AMENDMENT.—The table of sections at the  
27      beginning of chapter 33 of that title is amended by inserting  
28      after the item relating to section 540B the following new item:

          “540C. Annual report on activities of Federal Bureau of Investigation per-  
          sonnel outside the United States.”.

29      **SEC. 825. ANNUAL REPORTS OF INSPECTORS GENERAL**  
30           **OF THE INTELLIGENCE COMMUNITY ON**  
31           **PROPOSED RESOURCES AND ACTIVITIES OF**  
32           **THEIR OFFICES.**

33          Section 8H of the Inspector General Act of 1978 (5  
34      U.S.C. App.) is amended—

1 (1) in subsection (f), by striking “this section” and in-  
2 serting “subsections (a) through (e)”;

3 (2) by redesignating subsection (g) as subsection (h);  
4 and

5 (3) by inserting after subsection (f) the following new  
6 subsection (g):

7 “(g)(1) The Inspector General of the Defense Intelligence  
8 Agency, the National Imagery and Mapping Agency, the Na-  
9 tional Reconnaissance Office, and the National Security Agency  
10 shall each submit to the congressional intelligence committees  
11 each year a report that sets forth the following:

12 “(A) The personnel and funds requested by such In-  
13 spector General for the fiscal year beginning in such year  
14 for the activities of the office of such Inspector General in  
15 such fiscal year.

16 “(B) The plan of such Inspector General for such ac-  
17 tivities, including the programs and activities scheduled for  
18 review by the office of such Inspector General during such  
19 fiscal year.

20 “(C) An assessment of the current ability of such In-  
21 spector General to hire and retain qualified personnel for  
22 the office of such Inspector General.

23 “(D) Any matters that such Inspector General con-  
24 siders appropriate regarding the independence and effec-  
25 tiveness of the office of such Inspector General.

26 “(2) The submittal date for a report under paragraph (1)  
27 each year shall be the date provided in section 507 of the Na-  
28 tional Security Act of 1947.

29 “(3) In this subsection, the term ‘congressional intelligence  
30 committees’ shall have the meaning given that term in section  
31 3 of the National Security Act of 1947 (50 U.S.C. 401a).”.

32 **SEC. 826. ANNUAL REPORT ON COUNTERDRUG INTEL-**  
33 **LIGENCE MATTERS.**

34 (a) ANNUAL REPORT.—The Counterdrug Intelligence Co-  
35 ordinating Group shall submit to the appropriate committees of  
36 Congress each year a report on current counterdrug intelligence  
37 matters. The report shall include the recommendations of the

1 Counterdrug Intelligence Coordinating Group on the appro-  
2 priate number of permanent staff, and of detailed personnel,  
3 for the staff of the Counterdrug Intelligence Executive Secre-  
4 tariat.

5 (b) SUBMITTAL DATE.—The date of the submittal each  
6 year of the report required by subsection (a) shall be the date  
7 provided in section 507 of the National Security Act of 1947,  
8 as added by section 811 of this Act.

9 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-  
10 FINED.—In this section, the term “appropriate committees of  
11 Congress” means—

12 (1) the Committees on Appropriations of the Senate  
13 and House of Representatives; and

14 (2) the congressional intelligence committees (as de-  
15 fined in section 3 of the National Security Act of 1947 (50  
16 U.S.C. 401a)).

17 **SEC. 827. ANNUAL REPORT ON FOREIGN COMPANIES IN-**  
18 **VOLVED IN THE PROLIFERATION OF WEAP-**  
19 **ONS OF MASS DESTRUCTION THAT RAISE**  
20 **FUNDS IN THE UNITED STATES CAPITAL**  
21 **MARKETS.**

22 (a) ANNUAL REPORT REQUIRED.—The Director of Cen-  
23 tral Intelligence shall submit to the appropriate committees of  
24 Congress on an annual basis a report setting forth each foreign  
25 company described in subsection (b) that raised or attempted  
26 to raise funds in the United States capital markets during the  
27 preceding year.

28 (b) COVERED FOREIGN COMPANIES.—A foreign company  
29 described in this subsection is any foreign company determined  
30 by the Director to be engaged or involved in the proliferation  
31 of weapons of mass destruction (including nuclear, biological,  
32 or chemical weapons) or the means to deliver such weapons.

33 (c) SUBMITTAL DATE.—The date each year for the sub-  
34 mittal of the report required by subsection (a) shall be the date  
35 provided in section 507 of the National Security Act of 1947,  
36 as added by section 811 of this Act.

1 (d) FORM OF REPORTS.—Each report under subsection  
2 (a) shall be submitted in unclassified form, but may include a  
3 classified annex.

4 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-  
5 FINED.—In this section, the term “appropriate committees of  
6 Congress” means—

7 (1) the Select Committee on Intelligence of the Senate  
8 and the Permanent Select Committee on Intelligence of the  
9 House of Representatives;

10 (2) the Committees on Armed Services, Banking,  
11 Housing, and Urban Affairs, Governmental Affairs, and  
12 Foreign Relations of the Senate; and

13 (3) the Committees on Armed Services, Financial  
14 Services, Government Reform, and International Relations  
15 of the House of Representatives.

## 16 Subtitle D—Other Reports

### 17 SEC. 831. REPORT ON EFFECT OF COUNTRY-RELEASE 18 RESTRICTIONS ON ALLIED INTELLIGENCE- 19 SHARING RELATIONSHIPS.

20 (a) REPORT.—Not later than 90 days after the date of the  
21 enactment of this Act, the Director of Central Intelligence  
22 shall, in consultation with the Secretary of Defense, submit to  
23 the congressional intelligence committees a report containing  
24 an assessment of the effect of the use of “NOFORN” classi-  
25 fications, and of other country-release policies, procedures, and  
26 classification restrictions, on intelligence-sharing relationships  
27 and coordinated intelligence operations and military operations  
28 between the United States and its allies. The report shall in-  
29 clude an assessment of the effect of the use of such classifica-  
30 tions, and of such policies, procedures, and restrictions, on  
31 counterterrorism operations in Afghanistan and elsewhere.

32 (b) CONGRESSIONAL INTELLIGENCE COMMITTEES DE-  
33 FINED.—In this section, the term “congressional intelligence  
34 committee” means—

35 (1) the Select Committee on Intelligence of the Senate;  
36 and

1           (2) the Permanent Select Committee on Intelligence of  
2           the House of Representatives.

3       **SEC. 832. EVALUATION OF POLICIES AND PROCEDURES**  
4               **OF DEPARTMENT OF STATE ON PROTECTION**  
5               **OF CLASSIFIED INFORMATION AT DEPART-**  
6               **MENT HEADQUARTERS.**

7           (a) **EVALUATION REQUIRED.**—Not later than December  
8       31 of 2002, 2003, and 2004, the Inspector General of the De-  
9       partment of State shall conduct an evaluation of the policies  
10      and procedures of the Department on the protection of classi-  
11      fied information at the Headquarters of the Department, in-  
12      cluding compliance with the directives of the Director of Cen-  
13      tral Intelligence (DCIDs) regarding the storage and handling  
14      of Sensitive Compartmented Information (SCI) material.

15          (b) **ANNUAL REPORT.**—Except as provided in subsection  
16      (c), not later than February 1 of 2003, 2004, and 2005, the  
17      Inspector General shall submit to the following committees a  
18      report on the evaluation conducted under subsection (a) during  
19      the preceding year:

20           (1) The congressional intelligence committees.

21           (2) The Committee on Foreign Relations of the Senate  
22      and the Committee on International Relations of the House  
23      of Representatives.

24          (c) **EXCEPTION.**—The date each year for the submittal of  
25      a report under subsection (b) may be postponed in accordance  
26      with section 507(d) of the National Security Act of 1947, as  
27      added by section 811 of this Act.

28          (d) **CONGRESSIONAL INTELLIGENCE COMMITTEES DE-**  
29      **FINED.**—In this section, the term “congressional intelligence  
30      committees” means—

31           (1) the Select Committee on Intelligence of the Senate;  
32      and

33           (2) the Permanent Select Committee on Intelligence of  
34      the House of Representatives.

## Subtitle E—Repeal of Certain Report Requirements

### SEC. 841. REPEAL OF CERTAIN REPORT REQUIREMENTS.

(a) ANNUAL REPORT ON THE DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL.—Section 113 of the National Security Act of 1947 (50 U.S.C. 404h) is amended by striking subsection (c).

(b) ANNUAL REPORT ON EXERCISE OF NATIONAL SECURITY AGENCY VOLUNTARY SEPARATION PAY AUTHORITY.—Section 301(j) of the National Security Act of 1947 (50 U.S.C. 409a(j)), as amended by section 353(b)(2)(A) of this Act, is further amended—

(1) by striking “REPORTING REQUIREMENTS.—” and all that follows through “The Director may” and inserting “NOTIFICATION OF EXERCISE OF AUTHORITY.—The Director may”; and

(2) by striking paragraph (2).

(c) ANNUAL REPORT ON TRANSFERS OF AMOUNTS FOR ACQUISITION OF LAND BY THE CENTRAL INTELLIGENCE AGENCY.—Section 5(c)(2) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(c)(2)) is amended by striking “an annual report on the transfers of sums described in paragraph (1).” and inserting “a report on the transfer of sums described in paragraph (1) each time that authority is exercised.”.

(d) ANNUAL REPORT ON USE OF CIA PERSONNEL AS SPECIAL POLICEMEN.—Section 15(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403o(a)) is amended by striking paragraph (5).

(e) ANNUAL AUDIT OF THE CENTRAL SERVICES PROGRAM OF THE CENTRAL INTELLIGENCE AGENCY.—Section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

1 (f) ANNUAL REPORT ON SPECIAL POLICE AUTHORITY  
2 FOR THE NATIONAL SECURITY AGENCY.—Section 11(a)(5) of  
3 the National Security Agency Act of 1959 (50 U.S.C. 402  
4 note) is amended by inserting “through 2004” after “Not later  
5 than July 1 each year”.

6 **TITLE IX—COUNTERINTEL-**  
7 **LIGENCE ACTIVITIES**

8 **SEC. 901. SHORT TITLE; PURPOSE.**

9 (a) SHORT TITLE.—This title may be cited as the “Counterintelligence Enhancement Act of 2002”.

11 (b) PURPOSE.—The purpose of this title is to facilitate the  
12 enhancement of the counterintelligence activities of the United  
13 States Government by—

14 (1) enabling the counterintelligence community of the  
15 United States Government to fulfill better its mission of  
16 identifying, assessing, prioritizing, and countering the intel-  
17 ligence threats to the United States;

18 (2) ensuring that the counterintelligence community of  
19 the United States Government acts in an efficient and ef-  
20 fective manner; and

21 (3) providing for the integration of all the counter-  
22 intelligence activities of the United States Government.

23 **SEC. 902. NATIONAL COUNTERINTELLIGENCE EXECU-**  
24 **TIVE.**

25 (a) ESTABLISHMENT.—(1) There shall be a National  
26 Counterintelligence Executive, who shall be appointed by the  
27 President.

28 (2) It is the sense of Congress that the President should  
29 seek the views of the Attorney General, Secretary of Defense,  
30 and Director of Central Intelligence in selecting an individual  
31 for appointment as the Executive.

32 (b) MISSION.—The mission of the National Counterintel-  
33 ligence Executive shall be to serve as the head of national coun-  
34 terintelligence for the United States Government.

35 (c) DUTIES.—Subject to the direction and control of the  
36 President, the duties of the National Counterintelligence Exec-  
37 utive are as follows:



1 (1) To carry out the mission referred to in subsection  
2 (b).

3 (2) To act as chairperson of the National Counter-  
4 intelligence Policy Board under section 811 of the Counter-  
5 intelligence and Security Enhancements Act of 1994 (title  
6 VIII of Public Law 103-359; 50 U.S.C. 402a), as amended  
7 by section 903 of this Act.

8 (3) To act as head of the Office of the National Coun-  
9 terintelligence Executive under section 904.

10 (4) To participate as an observer on such boards, com-  
11 mittees, and entities of the executive branch as the Presi-  
12 dent considers appropriate for the discharge of the mission  
13 and functions of the Executive and the Office of the Na-  
14 tional Counterintelligence Executive under section 904.

15 **SEC. 903. NATIONAL COUNTERINTELLIGENCE POLICY**  
16 **BOARD.**

17 (a) CHAIRPERSON.—Section 811 of the Counterintel-  
18 ligence and Security Enhancements Act of 1994 (title VII of  
19 Public Law 103-359; 50 U.S.C. 402a), as amended by section  
20 811(b)(5)(B) of this Act, is further amended—

21 (1) by striking subsection (b);

22 (2) by redesignating subsection (c) as subsection (e);  
23 and

24 (3) by inserting after subsection (a) the following new  
25 subsection (b):

26 “(b) CHAIRPERSON.—The National Counterintelligence  
27 Executive under section 902 of the Counterintelligence En-  
28 hancement Act of 2002 shall serve as the chairperson of the  
29 Board.”.

30 (b) MEMBERSHIP.—That section is further amended by in-  
31 serting after subsection (b), as amended by subsection (a)(3)  
32 of this section, the following new subsection (c):

33 “(c) MEMBERSHIP.—The membership of the National  
34 Counterintelligence Policy Board shall consist of the following:

35 “(1) The National Counterintelligence Executive.

1           “(2) Senior personnel of departments and elements of  
2           the United States Government, appointed by the head of  
3           the department or element concerned, as follows:

4                 “(A) The Department of Justice, including the  
5                 Federal Bureau of Investigation.

6                 “(B) The Department of Defense, including the  
7                 Joint Chiefs of Staff.

8                 “(C) The Department of State.

9                 “(D) The Department of Energy.

10                “(E) The Central Intelligence Agency.

11                “(F) Any other department, agency, or element of  
12           the United States Government specified by the Presi-  
13           dent.”.

14           (c) FUNCTIONS AND DISCHARGE OF FUNCTIONS.—That  
15           section is further amended by inserting after subsection (c), as  
16           amended by subsection (b) of this section, the following new  
17           subsection:

18                “(d) FUNCTIONS AND DISCHARGE OF FUNCTIONS.—(1)  
19           The Board shall—

20                 “(A) serve as the principal mechanism for—

21                         “(i) developing policies and procedures for the ap-  
22                         proval of the President to govern the conduct of coun-  
23                         terintelligence activities; and

24                         “(ii) upon the direction of the President, resolving  
25                         conflicts that arise between elements of the Govern-  
26                         ment conducting such activities; and

27                 “(B) act as an interagency working group to—

28                         “(i) ensure the discussion and review of matters  
29                         relating to the implementation of the Counterintel-  
30                         ligence Enhancement Act of 2002; and

31                         “(ii) provide advice to the National Counterintel-  
32                         ligence Executive on priorities in the implementation of  
33                         the National Counterintelligence Strategy produced by  
34                         the Office of the National Counterintelligence Executive  
35                         under section 904(e)(2) of that Act.

1       “(2) The Board may, for purposes of carrying out its  
2 functions under this section, establish such interagency boards  
3 and working groups as the Board considers appropriate.”.

4       **SEC. 904. OFFICE OF THE NATIONAL COUNTERINTEL-**  
5       **LIGENCE EXECUTIVE.**

6       (a) ESTABLISHMENT.—There shall be an Office of the Na-  
7 tional Counterintelligence Executive.

8       (b) HEAD OF OFFICE.—The National Counterintelligence  
9 Executive shall be the head of the Office of the National Coun-  
10 terintelligence Executive.

11       (c) LOCATION OF OFFICE.—The Office of the National  
12 Counterintelligence Executive shall be located in the Office of  
13 the Director of Central Intelligence.

14       (d) GENERAL COUNSEL.—(1) There shall be in the Office  
15 of the National Counterintelligence Executive a general counsel  
16 who shall serve as principal legal advisor to the National Coun-  
17 terintelligence Executive.

18       (2) The general counsel shall—

19               (A) provide legal advice and counsel to the Executive  
20 on matters relating to functions of the Office;

21               (B) ensure that the Office complies with all applicable  
22 laws, regulations, Executive orders, and guidelines; and

23               (C) carry out such other duties as the Executive may  
24 specify.

25       (e) FUNCTIONS.—Subject to the direction and control of  
26 the National Counterintelligence Executive, the functions of the  
27 Office of the National Counterintelligence Executive shall be as  
28 follows:

29               (1) NATIONAL THREAT IDENTIFICATION AND  
30 PRIORITIZATION ASSESSMENT.—Subject to subsection (f),  
31 in consultation with appropriate department and agencies  
32 of the United States Government, and private sector enti-  
33 ties, to produce on an annual basis a strategic planning as-  
34 sessment of the counterintelligence requirements of the  
35 United States to be known as the National Threat Identi-  
36 fication and Prioritization Assessment.

1           (2) NATIONAL COUNTERINTELLIGENCE STRATEGY.—

2           Subject to subsection (f), in consultation with appropriate  
3           department and agencies of the United States Government,  
4           and private sector entities, and based on the most current  
5           National Threat Identification and Prioritization Assess-  
6           ment under paragraph (1), to produce on an annual basis  
7           a strategy for the counterintelligence programs and activi-  
8           ties of the United States Government to be known as the  
9           National Counterintelligence Strategy.

10          (3) IMPLEMENTATION OF NATIONAL COUNTERINTEL-  
11          LIGENCE STRATEGY.—To evaluate on an ongoing basis the  
12          implementation of the National Counterintelligence Strat-  
13          egy and to submit to the President periodic reports on such  
14          evaluation, including a discussion of any shortfalls in the  
15          implementation of the Strategy and recommendations for  
16          remedies for such shortfalls.

17          (4) NATIONAL COUNTERINTELLIGENCE STRATEGIC  
18          ANALYSES.—As directed by the Director of Central Intel-  
19          ligence and in consultation with appropriate elements of the  
20          departments and agencies of the United States Govern-  
21          ment, to oversee and coordinate the production of strategic  
22          analyses of counterintelligence matters, including the pro-  
23          duction of counterintelligence damage assessments and as-  
24          sessments of lessons learned from counterintelligence activi-  
25          ties.

26          (5) NATIONAL COUNTERINTELLIGENCE PROGRAM  
27          BUDGET.—In consultation with the Director of Central  
28          Intelligence—

29                (A) to coordinate the development of budgets and  
30                resource allocation plans for the counterintelligence  
31                programs and activities of the Department of Defense,  
32                the Federal Bureau of Investigation, the Central Intel-  
33                ligence Agency, and other appropriate elements of the  
34                United States Government;

35                (B) to ensure that the budgets and resource allo-  
36                cation plans developed under subparagraph (A) address

1 the objectives and priorities for counterintelligence  
2 under the National Counterintelligence Strategy; and

3 (C) to submit to the National Security Council  
4 periodic reports on the activities undertaken by the Of-  
5 fice under subparagraphs (A) and (B).

6 (6) NATIONAL COUNTERINTELLIGENCE COLLECTION  
7 AND TARGETING COORDINATION.—To develop priorities for  
8 counterintelligence investigations and operations, and for  
9 collection of counterintelligence, for purposes of the Na-  
10 tional Counterintelligence Strategy, except that the Office  
11 may not—

12 (A) carry out any counterintelligence investiga-  
13 tions or operations; or

14 (B) establish its own contacts, or carry out its own  
15 activities, with foreign intelligence services.

16 (7) NATIONAL COUNTERINTELLIGENCE OUTREACH,  
17 WATCH, AND WARNING.—

18 (A) COUNTERINTELLIGENCE VULNERABILITY SUR-  
19 VEYS.—To carry out and coordinate surveys of the vul-  
20 nerability of the United States Government, and the  
21 private sector, to intelligence threats in order to iden-  
22 tify the areas, programs, and activities that require  
23 protection from such threats.

24 (B) OUTREACH.—To carry out and coordinate  
25 outreach programs and activities on counterintelligence  
26 to other elements of the United States Government,  
27 and the private sector, and to coordinate the dissemina-  
28 tion to the public of warnings on intelligence threats to  
29 the United States.

30 (C) RESEARCH AND DEVELOPMENT.—To ensure  
31 that research and development programs and activities  
32 of the United States Government, and the private sec-  
33 tor, direct attention to the needs of the counterintel-  
34 ligence community for technologies, products, and serv-  
35 ices.

36 (D) TRAINING AND PROFESSIONAL DEVELOP-  
37 MENT.—To develop policies and standards for training

1 and professional development of individuals engaged in  
2 counterintelligence activities and to manage the con-  
3 duct of joint training exercises for such personnel.

4 (f) ADDITIONAL REQUIREMENTS REGARDING NATIONAL  
5 THREAT IDENTIFICATION AND PRIORITIZATION ASSESSMENT  
6 AND NATIONAL COUNTERINTELLIGENCE STRATEGY.—(1) A  
7 National Threat Identification and Prioritization Assessment  
8 under subsection (e)(1), and any modification of such assess-  
9 ment, shall not go into effect until approved by the President.

10 (2) A National Counterintelligence Strategy under sub-  
11 section (e)(2), and any modification of such strategy, shall not  
12 go into effect until approved by the President.

13 (3) The National Counterintelligence Executive shall sub-  
14 mit to the congressional intelligence committees each National  
15 Threat Identification and Prioritization Assessment, or modi-  
16 fication thereof, and each National Counterintelligence Strat-  
17 egy, or modification thereof, approved under this section.

18 (4) In this subsection, the term “congressional intelligence  
19 committees” means—

20 (A) the Select Committee on Intelligence of the Sen-  
21 ate; and

22 (B) the Permanent Select Committee on Intelligence  
23 of the House of Representatives.

24 (g) PERSONNEL.—(1) Personnel of the Office of the Na-  
25 tional Counterintelligence Executive may consist of personnel  
26 employed by the Office or personnel on detail from any other  
27 department, agency, or element of the Federal Government.  
28 Any such detail may be on a reimbursable or nonreimbursable  
29 basis, at the election of the head of the agency detailing such  
30 personnel.

31 (2) Notwithstanding section 104(d) or any other provision  
32 of law limiting the period of the detail of personnel on a non-  
33 reimbursable basis, the detail of an officer or employee of  
34 United States or a member of the Armed Forces under para-  
35 graph (1) on a nonreimbursable basis may be for any period  
36 in excess of one year that the National Counterintelligence Ex-

1 executive and the head of the department, agency, or element  
2 concerned consider appropriate.

3 (3) The employment of personnel by the Office, including  
4 the appointment, compensation and benefits, management, and  
5 separation of such personnel, shall be governed by the provi-  
6 sions of law on such matters with respect to the personnel of  
7 the Central Intelligence Agency, except that, for purposes of  
8 the applicability of such provisions of law to personnel of the  
9 Office, the National Counterintelligence Executive shall be  
10 treated as the head of the Office.

11 (4) Positions in the Office shall be excepted service posi-  
12 tions for purposes of title 5, United States Code.

13 (h) SUPPORT.—(1) The Attorney General, Secretary of  
14 Defense, and Director of Central Intelligence may each provide  
15 the Office of the National Counterintelligence Executive such  
16 support as may be necessary to permit the Office to carry out  
17 its functions under this section.

18 (2) Subject to any terms and conditions specified by the  
19 Director of Central Intelligence, the Director may provide ad-  
20 ministrative and contract support to the Office as if the Office  
21 were an element of the Central Intelligence Agency.

22 (3) Support provided under this subsection may be pro-  
23 vided on a reimbursable or nonreimbursable basis, at the elec-  
24 tion of the official providing such support.

25 (i) AVAILABILITY OF FUNDS FOR REIMBURSEMENT.—The  
26 National Counterintelligence Executive may, from amounts  
27 available for the Office, transfer to a department or agency de-  
28 tailing personnel under subsection (g), or providing support  
29 under subsection (h), on a reimbursable basis amounts appro-  
30 priate to reimburse such department or agency for the detail  
31 of such personnel or the provision of such support, as the case  
32 may be.

33 (j) CONTRACTS.—(1) Subject to paragraph (2), the Na-  
34 tional Counterintelligence Executive may enter into any con-  
35 tract, lease, cooperative agreement, or other transaction that  
36 the Executive considers appropriate to carry out the functions

1 of the Office of the National Counterintelligence Executive  
2 under this section.

3 (2) The authority under paragraph (1) to enter into con-  
4 tracts, leases, cooperative agreements, and other transactions  
5 shall be subject to any terms, conditions, and limitations appli-  
6 cable to the Central Intelligence Agency under law with respect  
7 to similar contracts, leases, cooperative agreements, and other  
8 transactions.

9 (k) TREATMENT OF ACTIVITIES UNDER CERTAIN ADMIN-  
10 ISTRATIVE LAWS.—The files of the Office shall be treated as  
11 operational files of the Central Intelligence Agency for purposes  
12 of section 701 of the National Security Act of 1947 (50 U.S.C.  
13 431) to the extent such files meet criteria under subsection (b)  
14 of that section for treatment of files as operational files of an  
15 element of the Agency.

16 (l) OVERSIGHT BY CONGRESS.—The location of the Office  
17 of the National Counterintelligence Executive within the Office  
18 of the Director of Central Intelligence shall not be construed  
19 as affecting access by Congress, or any committee of Congress,  
20 to—

21 (1) any information, document, record, or paper in the  
22 possession of the Office; or

23 (2) any personnel of the Office.

24 (m) CONSTRUCTION.—Nothing in this section shall be con-  
25 strued as affecting the authority of the Director of Central In-  
26 telligence, the Secretary of Defense, the Secretary of State, the  
27 Attorney General, or the Director of the Federal Bureau of In-  
28 vestigation as provided or specified under the National Security  
29 Act of 1947 or under other provisions of law.

30 **TITLE X—NATIONAL COMMISSION**  
31 **FOR REVIEW OF RESEARCH AND**  
32 **DEVELOPMENT PROGRAMS OF**  
33 **THE UNITED STATES INTEL-**  
34 **LIGENCE COMMUNITY**

35 **SEC. 1001. FINDINGS.**

36 Congress makes the following findings:



1 (1) Research and development efforts under the pur-  
2 view of the intelligence community are vitally important to  
3 the national security of the United States.

4 (2) The intelligence community must operate in a dy-  
5 namic, highly-challenging environment, characterized by  
6 rapid technological growth, against a growing number of  
7 hostile, technically-sophisticated threats. Research and de-  
8 velopment programs under the purview of the intelligence  
9 community are critical to ensuring that intelligence agen-  
10 cies, and their personnel, are provided with important tech-  
11 nological capabilities to detect, characterize, assess, and ul-  
12 timately counter the full range of threats to the national  
13 security of the United States.

14 (3) There is a need to review the full range of current  
15 research and development programs under the purview of  
16 the intelligence community, evaluate such programs against  
17 the scientific and technological fields judged to be of most  
18 importance, and articulate program and resource priorities  
19 for future research and development activities to ensure a  
20 unified and coherent research and development program  
21 across the entire intelligence community.

22 **SEC. 1002. NATIONAL COMMISSION FOR THE REVIEW OF**  
23 **THE RESEARCH AND DEVELOPMENT PRO-**  
24 **GRAMS OF THE UNITED STATES INTEL-**  
25 **LIGENCE COMMUNITY.**

26 (a) ESTABLISHMENT.—There is established a commission  
27 to be known as the “National Commission for the Review of  
28 the Research and Development Programs of the United States  
29 Intelligence Community” (in this title referred to as the “Com-  
30 mission”).

31 (b) COMPOSITION.—The Commission shall be composed of  
32 12 members, as follows:

33 (1) The Deputy Director of Central Intelligence for  
34 Community Management.

35 (2) A senior intelligence official of the Office of the  
36 Secretary of Defense, as designated by the Secretary of De-  
37 fense.

1           (3) Three members appointed by the majority leader  
2           of the Senate, in consultation with the Chairman of the Se-  
3           lect Committee on Intelligence of the Senate, one from  
4           Members of the Senate and two from private life.

5           (4) Two members appointed by the minority leader of  
6           the Senate, in consultation with the Vice Chairman of the  
7           Select Committee on Intelligence of the Senate, one from  
8           Members of the Senate and one from private life.

9           (5) Three members appointed by the Speaker of the  
10          House of Representatives, in consultation with the Chair-  
11          man of the Permanent Select Committee on Intelligence of  
12          the House of Representatives, one from Members of the  
13          House of Representatives and two from private life.

14          (6) Two members appointed by the minority leader of  
15          the House of Representatives, in consultation with the  
16          ranking member of the Permanent Select Committee on In-  
17          telligence of the House of Representatives, one from Mem-  
18          bers of the House of Representatives and one from private  
19          life.

20          (c) MEMBERSHIP.—(1) The individuals appointed from  
21          private life as members of the Commission shall be individuals  
22          who are nationally recognized for expertise, knowledge, or expe-  
23          rience in—

24                (A) research and development programs;

25                (B) technology discovery and insertion;

26                (C) use of intelligence information by national policy-  
27          makers and military leaders; or

28                (D) the implementation, funding, or oversight of the  
29          national security policies of the United States.

30          (2) An official who appoints members of the Commission  
31          may not appoint an individual as a member of the Commission  
32          if, in the judgment of the official, such individual possesses any  
33          personal or financial interest in the discharge of any of the du-  
34          ties of the Commission.

35          (3) All members of the Commission appointed from private  
36          life shall possess an appropriate security clearance in accord-

1     ance with applicable laws and regulations concerning the han-  
2     dling of classified information.

3           (d) CO-CHAIRS.—(1) The Commission shall have two co-  
4     chairs, selected from among the members of the Commission.

5           (2) One co-chair of the Commission shall be a member of  
6     the Democratic Party, and one co-chair shall be a member of  
7     the Republican Party.

8           (3) The individuals who serve as the co-chairs of the Com-  
9     mission shall be jointly agreed upon by the President, the ma-  
10    jority leader of the Senate, the minority leader of the Senate,  
11    the Speaker of the House of Representatives, and the minority  
12    leader of the House of Representatives.

13          (e) APPOINTMENT; INITIAL MEETING.—(1) Members of  
14     the Commission shall be appointed not later than 45 days after  
15     the date of the enactment of this Act.

16          (2) The Commission shall hold its initial meeting on the  
17     date that is 60 days after the date of the enactment of this  
18     Act.

19          (f) MEETINGS; QUORUM; VACANCIES.—(1) After its initial  
20     meeting, the Commission shall meet upon the call of the co-  
21     chairs of the Commission.

22          (2) Six members of the Commission shall constitute a  
23     quorum for purposes of conducting business, except that two  
24     members of the Commission shall constitute a quorum for pur-  
25     poses of receiving testimony.

26          (3) Any vacancy in the Commission shall not affect its  
27     powers, but shall be filled in the same manner in which the  
28     original appointment was made.

29          (4) If vacancies in the Commission occur on any day after  
30     45 days after the date of the enactment of this Act, a quorum  
31     shall consist of a majority of the members of the Commission  
32     as of such day.

33          (g) ACTIONS OF COMMISSION.—(1) The Commission shall  
34     act by resolution agreed to by a majority of the members of  
35     the Commission voting and present.

36          (2) The Commission may establish panels composed of less  
37     than the full membership of the Commission for purposes of

1 carrying out the duties of the Commission under this title. The  
2 actions of any such panel shall be subject to the review and  
3 control of the Commission. Any findings and determinations  
4 made by such a panel shall not be considered the findings and  
5 determinations of the Commission unless approved by the Com-  
6 mission.

7 (3) Any member, agent, or staff of the Commission may,  
8 if authorized by the co-chairs of the Commission, take any ac-  
9 tion which the Commission is authorized to take pursuant to  
10 this title.

11 (h) DUTIES.—The duties of the Commission shall be—

12 (1) to conduct, until not later than the date on which  
13 the Commission submits the report under section 1007(a),  
14 the review described in subsection (i); and

15 (2) to submit to the congressional intelligence commit-  
16 tees, the Director of Central Intelligence, and the Secretary  
17 of Defense a final report on the results of the review.

18 (i) REVIEW.—The Commission shall review the status of  
19 research and development programs and activities within the  
20 intelligence community, including—

21 (1) an assessment of the advisability of modifying the  
22 scope of research and development for purposes of such  
23 programs and activities;

24 (2) a review of the particular individual research and  
25 development activities under such programs;

26 (3) an evaluation of the current allocation of resources  
27 for research and development, including whether the alloca-  
28 tion of such resources for that purpose should be modified;

29 (4) an identification of the scientific and technological  
30 fields judged to be of most importance to the intelligence  
31 community;

32 (5) an evaluation of the relationship between the re-  
33 search and development programs and activities of the in-  
34 telligence community and the research and development  
35 programs and activities of other departments and agencies  
36 of the Federal Government; and

1 (6) an evaluation of the relationship between the re-  
2 search and development programs and activities of the in-  
3 telligence community and the research and development  
4 programs and activities of the private sector.

5 **SEC. 1003. POWERS OF COMMISSION.**

6 (a) IN GENERAL.—(1) The Commission or, on the author-  
7 ization of the Commission, any subcommittee or member there-  
8 of, may, for the purpose of carrying out the provisions of this  
9 title—

10 (A) hold such hearings and sit and act at such times  
11 and places, take such testimony, receive such evidence, and  
12 administer such oaths; and

13 (B) require, by subpoena or otherwise, the attendance  
14 and testimony of such witnesses and the production of such  
15 books, records, correspondence, memoranda, papers, and  
16 documents, as the Commission or such designated sub-  
17 committee or designated member considers necessary.

18 (2) Subpoenas may be issued under subparagraph (1)(B)  
19 under the signature of the co-chairs of the Commission, and  
20 may be served by any person designated by such co-chairs.

21 (3) The provisions of sections 102 through 104 of the Re-  
22 vised Statutes of the United States (2 U.S.C. 192–194) shall  
23 apply in the case of any failure of a witness to comply with any  
24 subpoena or to testify when summoned under authority of this  
25 section.

26 (b) CONTRACTING.—The Commission may, to such extent  
27 and in such amounts as are provided in advance in appropria-  
28 tion Acts, enter into contracts to enable the Commission to dis-  
29 charge its duties under this title.

30 (c) INFORMATION FROM FEDERAL AGENCIES.—The Com-  
31 mission may secure directly from any executive department,  
32 agency, bureau, board, commission, office, independent estab-  
33 lishment, or instrumentality of the Government information,  
34 suggestions, estimates, and statistics for the purposes of this  
35 title. Each such department, agency, bureau, board, commis-  
36 sion, office, establishment, or instrumentality shall, to the ex-  
37 tent authorized by law, furnish such information, suggestions,

1 estimates, and statistics directly to the Commission, upon re-  
2 quest of the co-chairs of the Commission. The Commission  
3 shall handle and protect all classified information provided to  
4 it under this section in accordance with applicable statutes and  
5 regulations.

6 (d) ASSISTANCE FROM FEDERAL AGENCIES.—(1) The Di-  
7 rector of Central Intelligence shall provide to the Commission,  
8 on a nonreimbursable basis, such administrative services,  
9 funds, staff, facilities, and other support services as are nec-  
10 essary for the performance of the Commission's duties under  
11 this title.

12 (2) The Secretary of Defense may provide the Commis-  
13 sion, on a nonreimbursable basis, with such administrative  
14 services, staff, and other support services as the Commission  
15 may request.

16 (3) In addition to the assistance set forth in paragraphs  
17 (1) and (2), other departments and agencies of the United  
18 States may provide the Commission such services, funds, facili-  
19 ties, staff, and other support as such departments and agencies  
20 consider advisable and as may be authorized by law.

21 (4) The Commission shall receive the full and timely co-  
22 operation of any official, department, or agency of the United  
23 States Government whose assistance is necessary for the fulfill-  
24 ment of the duties of the Commission under this title, including  
25 the provision of full and current briefings and analyses.

26 (e) PROHIBITION ON WITHHOLDING INFORMATION.—No  
27 department or agency of the Government may withhold infor-  
28 mation from the Commission on the grounds that providing the  
29 information to the Commission would constitute the unauthor-  
30 ized disclosure of classified information or information relating  
31 to intelligence sources or methods.

32 (f) POSTAL SERVICES.—The Commission may use the  
33 United States mails in the same manner and under the same  
34 conditions as the departments and agencies of the United  
35 States.

1 (g) GIFTS.—The Commission may accept, use, and dispose  
2 of gifts or donations of services or property in carrying out its  
3 duties under this title.

4 **SEC. 1004. STAFF OF COMMISSION.**

5 (a) IN GENERAL.—(1) The co-chairs of the Commission,  
6 in accordance with rules agreed upon by the Commission, shall  
7 appoint and fix the compensation of a staff director and such  
8 other personnel as may be necessary to enable the Commission  
9 to carry out its duties, without regard to the provisions of title  
10 5, United States Code, governing appointments in the competi-  
11 tive service, and without regard to the provisions of chapter 51  
12 and subchapter III of chapter 53 of such title relating to classi-  
13 fication and General Schedule pay rates, except that no rate of  
14 pay fixed under this subsection may exceed the equivalent of  
15 that payable to a person occupying a position at level V of the  
16 Executive Schedule under section 5316 of such title.

17 (2) Any Federal Government employee may be detailed to  
18 the Commission without reimbursement from the Commission,  
19 and such detailee shall retain the rights, status, and privileges  
20 of his or her regular employment without interruption.

21 (3) All staff of the Commission shall possess a security  
22 clearance in accordance with applicable laws and regulations  
23 concerning the handling of classified information.

24 (b) CONSULTANT SERVICES.—(1) The Commission may  
25 procure the services of experts and consultants in accordance  
26 with section 3109 of title 5, United States Code, but at rates  
27 not to exceed the daily rate paid a person occupying a position  
28 at level IV of the Executive Schedule under section 5315 of  
29 such title.

30 (2) All experts and consultants employed by the Commis-  
31 sion shall possess a security clearance in accordance with appli-  
32 cable laws and regulations concerning the handling of classified  
33 information.

34 **SEC. 1005. COMPENSATION AND TRAVEL EXPENSES.**

35 (a) COMPENSATION.—(1) Except as provided in paragraph  
36 (2), each member of the Commission may be compensated at  
37 not to exceed the daily equivalent of the annual rate of basic

1 pay in effect for a position at level IV of the Executive Sched-  
2 ule under section 5315 of title 5, United States Code, for each  
3 day during which that member is engaged in the actual per-  
4 formance of the duties of the Commission under this title.

5 (2) Members of the Commission who are officers or em-  
6 ployees of the United States or Members of Congress shall re-  
7 ceive no additional pay by reason of their service on the Com-  
8 mission.

9 (b) TRAVEL EXPENSES.—While away from their homes or  
10 regular places of business in the performance of services for the  
11 Commission, members of the Commission may be allowed travel  
12 expenses, including per diem in lieu of subsistence, in the same  
13 manner as persons employed intermittently in the Government  
14 service are allowed expenses under section 5703 of title 5,  
15 United States Code.

16 **SEC. 1006. TREATMENT OF INFORMATION RELATING TO**  
17 **NATIONAL SECURITY.**

18 (a) IN GENERAL.—(1) The Director of Central Intel-  
19 ligence shall assume responsibility for the handling and disposi-  
20 tion of any information related to the national security of the  
21 United States that is received, considered, or used by the Com-  
22 mission under this title.

23 (2) Any information related to the national security of the  
24 United States that is provided to the Commission by a congress-  
25 sional intelligence committee may not be further provided or re-  
26 leased without the approval of the chairman of such committee.

27 (b) ACCESS AFTER TERMINATION OF COMMISSION.—Not-  
28 withstanding any other provision of law, after the termination  
29 of the Commission under section 1007, only the Members and  
30 designated staff of the congressional intelligence committees,  
31 the Director of Central Intelligence (and the designees of the  
32 Director), and such other officials of the executive branch as  
33 the President may designate shall have access to information  
34 related to the national security of the United States that is re-  
35 ceived, considered, or used by the Commission.



1   **SEC. 1007. FINAL REPORT; TERMINATION.**

2       (a) FINAL REPORT.—Not later than September 1, 2003,  
3   the Commission shall submit to the congressional intelligence  
4   committees, the Director of Central Intelligence, and the Sec-  
5   retary of Defense a final report as required by section  
6   1002(h)(2).

7       (b) TERMINATION.—(1) The Commission, and all the au-  
8   thorities of this title, shall terminate at the end of the 120-day  
9   period beginning on the date on which the final report under  
10   subsection (a) is transmitted to the congressional intelligence  
11   committees.

12       (2) The Commission may use the 120-day period referred  
13   to in paragraph (1) for the purposes of concluding its activities,  
14   including providing testimony to Congress concerning the final  
15   report referred to in that paragraph and disseminating the re-  
16   port.

17   **SEC. 1008. ASSESSMENTS OF FINAL REPORT.**

18       Not later than 60 days after receipt of the final report  
19   under section 1007(a), the Director of Central Intelligence and  
20   the Secretary of Defense shall each submit to the congressional  
21   intelligence committees an assessment by the Director or the  
22   Secretary, as the case may be, of the final report. Each assess-  
23   ment shall include such comments on the findings and rec-  
24   ommendations contained in the final report as the Director or  
25   Secretary, as the case may be, considers appropriate.

26   **SEC. 1009. INAPPLICABILITY OF CERTAIN ADMINISTRA-**  
27   **TIVE PROVISIONS.**

28       (a) FEDERAL ADVISORY COMMITTEE ACT.—The provi-  
29   sions of the Federal Advisory Committee Act (5 U.S.C. App.)  
30   shall not apply to the activities of the Commission under this  
31   title.

32       (b) FREEDOM OF INFORMATION ACT.—The provisions of  
33   section 552 of title 5, United States Code (commonly referred  
34   to as the Freedom of Information Act), shall not apply to the  
35   activities, records, and proceedings of the Commission under  
36   this title.

1   **SEC. 1010. FUNDING.**

2       (a) TRANSFER FROM THE COMMUNITY MANAGEMENT AC-  
3   COUNT.—Of the amounts authorized to be appropriated by this  
4   Act for the Intelligence Technology Innovation Center of the  
5   Community Management Account, the Deputy Director of Cen-  
6   tral Intelligence for Community Management shall transfer to  
7   the Director of Central Intelligence \$2,000,000 for purposes of  
8   the activities of the Commission under this title.

9       (b) AVAILABILITY IN GENERAL.—The Director of Central  
10   Intelligence shall make available to the Commission, from the  
11   amount transferred to the Director under subsection (a), such  
12   amounts as the Commission may require for purposes of the  
13   activities of the Commission under this title.

14       (c) DURATION OF AVAILABILITY.—Amounts made avail-  
15   able to the Commission under subsection (b) shall remain avail-  
16   able until expended.

17   **SEC. 1011. DEFINITIONS.**

18       In this title:

19       (1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—

20       The term “congressional intelligence committees” means—

21           (A) the Select Committee on Intelligence of the  
22           Senate; and

23           (B) the Permanent Select Committee on Intel-  
24           ligence of the House of Representatives.

25       (2) INTELLIGENCE COMMUNITY.—The term “intel-  
26       ligence community” has the meaning given that term in  
27       section 3(4) of the National Security Act of 1947 (50  
28       U.S.C. 401a(4)).

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And the Senate agree to the same.